



# The Senate of The State of Texas

Senator Leticia Van de Putte, R. Ph.

District 26

Date: March 3, 2009  
To: Chairman Duncan  
From: Leticia Van de Putte  
Subject: Ground Rules, Committee-of-the-Whole Public Hearing

Thank you for being open to discussing our serious concerns regarding this legislation, and the process by which it will be considered. The Senate Democrats have remaining concerns regarding the process moving forward:

1. We would request more time to prepare for the Committee-of-the-Whole hearing. In fact, we have at least one expert witness who because of a scheduling conflict will not be able to attend on March 10. Further, we renew our protest that the Texas Senate has no business taking voter identification legislation prior to addressing issues of broad importance to Texans.
2. We would request additional slots for invited testimony. What has been discussed is "3 or 4" from each side. We would request at least 8 from each side. Before asking Texas voters to go to considerable additional bureaucratic burden to exercise a fundamental right, the Texas Senate should be absolutely clear that there is an identifiable and measurable problem in need of a legislative solution, the perils involved with the legislative reactions currently proposed, and detailed analysis on the effects on minority voters protected under the Voting Rights Act. These crucial issues could be more completely addressed with expanded panels of expert witnesses.
3. We request that the Senate provide qualified legal representation to the Democrats, much as might happen during a debate over redistricting legislation in which myriad Constitutional issues are present.
4. We request that a stenographer be provided to record all proceedings of the Committee-of-the-Whole testimony and deliberations, and the subsequent deliberations of the Texas Senate on this legislation. The necessary pre-clearance requirements with the U.S. Department of Justice, and the likelihood of litigation resulting from this legislation makes this request prudent.
5. We request that the Texas Attorney General make himself available as a resource witness during the deliberations of the Committee-of-the-Whole. Many claims of "voter fraud" have been made in the course of the public debate in this and previous legislative

700 N. St. Mary's St., Suite 1725  
San Antonio, Texas 78205  
210-733-6604  
210-733-6605 Fax

E-MAIL: leticia.vandeputte@senate.state.tx.us

Committees: Veteran Affairs and Military Installations, Chair  
Business & Commerce • Education • State Affairs

P.O. Box 12068  
Austin, Texas 78711  
512-463-0126  
Fax 512-463-2114  
1-888-279-0648  
Dial 711 For Relay Calls

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sessions. Since the Attorney General's office has spent considerable tax dollars investigating the extent of this problem, his testimony is relevant to deliberations on this legislation.

Thank you in advance for addressing these concerns. As always, please feel free to call me at any time to discuss these or any other concerns.

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COMMITTEES:  
STATE AFFAIRS, CHAIR  
FINANCE  
HIGHER EDUCATION  
JURISPRUDENCE  
NATURAL RESOURCES

ROBERT DUNCAN  
STATE SENATOR  
DISTRICT 28

March 5, 2009

To: Senator Leticia Van de Putte  
From: Senator Robert Duncan  
CC: Senator Troy Fraser  
Subject: Response to Concerns about Ground Rules, Committee of the Whole Senate

I am writing in response to your memo of March 3, 2009, concerning the process for discussing voter identification legislation in the Senate. I want to assure you that I am sensitive to those concerns and intend for consideration of this legislation to be an open process. To that end, my responses to the issues raised are as follows:

1. I am not inclined to support further delay in consideration of voter identification legislation. As you know, it is impossible to choose a date and time that is convenient for everyone. Scheduling conflicts are present for all interested parties. All Senators were notified in a letter from Sen. Fraser on February 26, 2009, of his intention to debate Senate Bill 362 on March 10, 2009, and a public notice was posted on March 4, 2009. More than a week's notice of a hearing is much more than the Senate usually provides, even on many of our most important pieces of legislation. Although we will begin with invited testimony, any other invited witness who is unavailable at that time may testify out of order, at your request, before the conclusion of public testimony or they may submit written testimony or comments.

The security and accuracy of Texas' elections is certainly an issue of broad importance to Texas. Such issues have been the subject of interim studies by the Senate State Affairs Committee during each of the past two interims. Additionally, that committee heard extensive testimony last session on a substantially similar voter identification bill. The Texas Senate also spent nearly an entire day on the Senate floor at the beginning of this session discussing the importance of this issue.

2. It would be helpful to reach a consensus on the procedure for hearing from a panel of invited witnesses as soon as possible and I look forward to continuing our discussions to that effect.

3. I am not aware of any precedent for the Senate providing party caucus counsel. Of course, any caucus in the Senate is entitled to retain independent counsel of its choice at its own expense. Therefore, I cannot recommend that the Senate fund separate party caucus counsel.

Ex 1 B

LUBBOCK DISTRICT OFFICE:  
1500 BROADWAY  
SUITE 902  
LUBBOCK, TEXAS 79401  
(806) 762-1122  
1-800-546-9928  
FAX (806) 749-2828

CHILDRESS DISTRICT OFFICE:  
119 AVENUE B NW  
CHILDRESS, TEXAS 79201  
(940) 937-0909  
(888) 887-7027  
FAX (940) 937-6994  
DIAL 711 FOR RELAY CALLS

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CAPITOL OFFICE:  
ROOM 3E.10  
P.O. BOX 12068  
AUSTIN, TEXAS 78711  
(512) 463-0128  
(800) 322-9538  
FAX (512) 463-2424

SAN ANGELO DISTRICT OFFICE:  
36 WEST BEAUREGARD  
SUITE 510  
SAN ANGELO, TEXAS 76903  
(915) 481-0028  
1-800-558-9928  
FAX (915) 655-2541

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March 5, 2009  
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4. The Secretary of the Senate's Office is looking into the possibility of having a court reporting service transcribe the Committee of the Whole's proceedings. More details on this will be provided at a later date.

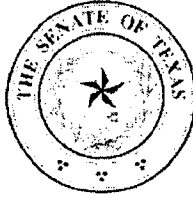
5. Given the fact that the Office of the Attorney General will represent the state of Texas in litigation, if any, arising out of this legislation, it would be inappropriate to present the Attorney General as a witness in the legislative debate. To the extent there are procedural or technical questions relating to elections in Texas, the Office of the Secretary of State may be invited as a resource.

Thank you for keeping an open dialogue on this important issue. I look forward to further discussing the process by which the Senate will be going about its business on March 10<sup>th</sup>. Please feel free to contact me or my office at any time.

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The Hon. Greg Abbott  
Texas Attorney General  
Office of the Attorney General  
300 W. 15th Street  
Austin, TX 78701

Dear General Abbott:

Tomorrow, March 10, 2009, the Committee of the Whole of the Texas State Senate will hold a hearing on Senate Bill 362 which would require Texas voters to present photo identification in order to cast a ballot.

This is a highly controversial and divisive issue. We have grave concerns that it will create barriers to voting that rise to the level of disenfranchisement of many thousands, if not millions, of Texas voters. Should such a law be enacted, the Attorney General would have significant responsibility to both enforce the statute and to protect against its abuse.

In light of this, we call on you to appear before the Senate Committee of the Whole tomorrow to give your views and state your intentions regarding enforcement of any Photo Voter ID requirement and to take questions from Senators on this important matter. The hearing will take place in the Senate Chamber beginning at 10 am.

As Attorney General, you have taken an extremely active role in your duty to enforce voting laws throughout the state. In March of 2006, you announced a significant effort to stamp out the "epidemic of voter fraud" in Texas. In that same release you directed your "Special Investigations Unit (SIU) to work with police departments, sheriff's offices, and district and county attorneys to successfully identify, investigate and prosecute various types of voter fraud offenses" and funded the effort with a "\$1.5 million grant from the Governor's office."

Three years and thousands of taxpayer dollars spent, it would be instructive for the Senate and public to hear the results of your efforts.

We apologize for the short notice on this request for testimony. However, in reading your Amicus Curiae brief in *Crawford v. Marion County Election Board* that was

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prepared at the expense of Texas taxpayers, it seems you have considered at great length a similar piece of legislation that was enacted in Indiana.

We trust that you will convey your respect for the Texas Senate and your responsibilities as Attorney General by attending the hearing tomorrow.

Sincerely:

<del>Ruth</del> Nandi Patta	Judith Zaffirini
J - J. Aruj-	Royce Wood
Thur Naton	Elis Shapleigh
Mario Gallegos	Wendy A. Davis
Carlos F. West	John Whitmire
Rodney Ellis	

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\*\* REVISION \*\*

**SENATE  
NOTICE OF PUBLIC HEARING**

RECEIVED  
SECRETARY OF SENATE

9 MAR -9 P6:22

COMMITTEE: Committee of the Whole Senate

TIME & DATE: 10:00 AM \*\*  
Tuesday, March 10, 2009

PLACE: Senate Chamber

\*\* PLEASE NOTE THAT THE SENATE WILL CONVENE AT 10:00 AM

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Upon adoption of the appropriate motion, the Senate will resolve into the Committee of the Whole Senate to consider the following:

SB 362 Fraser | et al.  
Relating to requiring a voter to present proof of identification.

The Committee will hear invited and public testimony on SB 362.  
**The Committee will begin with invited testimony. It is anticipated that public testimony will not begin until 1:00 p.m.**

Interested parties may appear and provide written or oral testimony by submitting a witness affirmation card. Persons wishing to submit written testimony must provide 40 copies with their witness affirmation card.

Witness affirmation cards will be available at 8:00 a.m. on the day of the hearing at the Witness Registration Desk located in front of the Senate Chamber on the 2nd Floor of the Capitol.

Witnesses and the public are invited to observe the proceedings of the Committee from the Senate Gallery on the 3rd Floor. Witnesses who have registered to testify will have their names called by the Chair at least 5 minutes before they are scheduled to appear. As names are called, witnesses should check in at the Witness Registration Desk for admission into the Senate Chamber for their testimony.

For any questions regarding the hearing, please contact Patsy Spaw (512) 463-0100.

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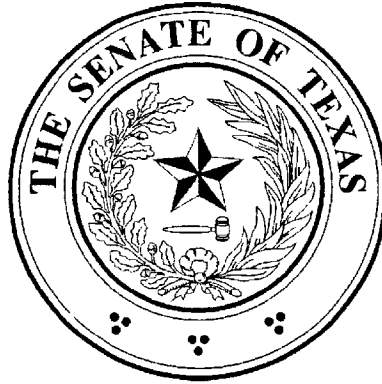
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**THE SENATE CONVENES AT 10:00 A.M. TODAY**

**THE HOUSE CONVENES AT 10:00 A.M. TODAY**



# **TEXAS SENATE AGENDA**

**DAVID DEWHURST, PRESIDENT**  
**ROBERT DUNCAN, PRESIDENT PRO TEMPORE**

*Tuesday, March 10, 2009*

**NOTICE OF INTENT**  
**SENATE COMMITTEE HEARINGS**  
**REGULAR ORDER OF BUSINESS**  
**SENATE FLOOR ACTION**

**Linda Tubbs, Calendar Clerk      463-0060**

**Room 2E.23**

*Exhibit 4*

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## **MORNING CALL**

- (1) Reports from select committees;
- (2) Senate bills and resolutions and House bills and resolutions on first reading and referral to committee;
- (3) Introduction and consideration of memorial and congratulatory resolutions;
- (4) Messages and executive communications;
- (5) Motions to print on minority reports;
- (6) Other motions not provided for herein.

## **VOTE REQUIREMENTS**

### **SENATE QUESTION RULE**

### **VOTE**

<b>5.02</b>	Quorum .....	2/3 Membership (21)
<b>5.11</b>	Special Order.....	2/3 Present
<b>5.14 (c)</b>	Suspend Intent Calendar Rule .....	4/5 Present
<b>6.10</b>	Reconsider.....	Majority Present
<b>10.02</b>	Final Passage, Constitutional Amendment.....	2/3 Membership (21)
<b>6.20</b>	Vetoed House Bill .....	2/3 Membership (21)
<b>6.20</b>	Vetoed Senate Bill.....	2/3 Present
<b>7.19</b>	Adopt Amendment at Third Reading .....	2/3 Present
<b>5.13</b>	Postpone or Change Order of Business .....	2/3 Present
<b>22.01</b>	Rescind or Amend Senate Rule.....	Majority Membership (16)
<b>22.01</b>	Suspend Senate Rule unless otherwise specified .....	2/3 Present
<b>16.06 (3)</b>	Confirm Gubernatorial Appointments.....	2/3 Present
<b>7.18</b>	Suspend Three Day Rule.....	4/5 Present
<b>15.02</b>	Hold Executive Session.....	Majority Membership (16)
<b>6.09</b>	Previous Question .....	5 Seconds & Majority Present
<b>7.13</b>	Consider Bill during first 60 days .....	4/5 Membership (25)
<b>7.07 (b)</b>	Introduce Bill after first 60 days .....	4/5 Membership (25)
<b>6.08</b>	Re-referral .....	2/3 Present
<b>6.08</b>	Commit.....	Majority Membership (16)
<b>11.17</b>	File Minority Report .....	2/3 Present

### **Members Present &**

<b>Voting</b>	<b>31</b>	<b>30</b>	<b>29</b>	<b>28</b>	<b>27</b>	<b>26</b>	<b>25</b>	<b>24</b>	<b>23</b>	<b>22</b>	<b>21</b>
<b>Majority</b>	<b>16</b>	<b>16</b>	<b>15</b>	<b>15</b>	<b>14</b>	<b>14</b>	<b>13</b>	<b>13</b>	<b>12</b>	<b>12</b>	<b>11</b>
<b>2/3rds</b>	<b>21</b>	<b>20</b>	<b>20</b>	<b>19</b>	<b>18</b>	<b>18</b>	<b>17</b>	<b>16</b>	<b>16</b>	<b>15</b>	<b>14</b>
<b>4/5th</b>	<b>25</b>	<b>24</b>	<b>24</b>	<b>23</b>	<b>22</b>	<b>21</b>	<b>20</b>	<b>20</b>	<b>19</b>	<b>18</b>	<b>17</b>

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## **NOTICE OF INTENT**

**Tuesday  
March 10, 2009**

**SB 175**

**Shapiro**

Relating to limitations on the automatic admission of undergraduate students to general academic teaching institutions.

*Committee report printed and distributed 01:48 PM, 03/09/09*

**SB 202 (CS) (LC)**

**Shapleigh/ et al.**

Relating to provisional licensing of physicians to practice in underserved areas.

*Committee report printed and distributed 01:43 PM, 03/02/09*

(CS) COMMITTEE SUBSTITUTE

(LC) RECOMMENDED FOR LOCAL CALENDAR

## **SENATE COMMITTEE HEARINGS**

**Tuesday  
March 10, 2009**

**Finance** **8:00 AM** **E1.036**

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To consider the following pending business:

**SB 1** **Ogden**  
General Appropriations Bill.

The Committee intends to take up and consider recommendations from the workgroups on the agencies for the following Article, and any other pending business:

Article V (Public Safety and Criminal Justice)

### **Committee of the Whole**

**Senate** **9:00 AM \*\*** **Senate Chamber**

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\*\* 9:00 a.m. upon resolution of the Senate into Committee of the Whole  
Upon adoption of the appropriate motion, the Senate will resolve into the Committee of the Whole Senate to consider the following:

**SB 362** **Fraser/ Estes/ et al.**  
Relating to requiring a voter to present proof of identification.  
The Committee will hear invited and public testimony on SB 362.

Interested parties may appear and provide written or oral testimony by submitting a witness affirmation card. Persons wishing to submit written testimony must provide 40 copies with their witness affirmation card.

Witness affirmation cards will be available at 8:00 a.m. on the day of the hearing at the Witness Registration Desk located in front of the Senate Chamber on the 2nd Floor of the Capitol.

Witnesses and the public are invited to observe the proceedings of the Committee from the Senate Gallery on the 3rd Floor. Witnesses who have registered to testify will have their names called by the Chair at least 5 minutes before they are scheduled to appear. As names are called, witnesses should check in at the Witness Registration Desk for admission into the Senate Chamber for their testimony.

For any questions regarding the hearing, please contact Patsy Spaw (512) 463-0100.

**Wednesday  
March 11, 2009**

**Transportation &  
Homeland Security**

**7:30 AM**

**E1.016**

Please note the start time. If the Senate is in active session or Committee of the Whole after 10 P.M. Tuesday, March 10, this hearing will be canceled. Otherwise, the Committee will meet to take up the following bills for consideration as new business:

**SB 129**

**Ellis**

Relating to the maximum speed limit for a neighborhood electric vehicle being operated on a street or highway.

**SB 161**

**Ellis**

Relating to specialty license plates supporting the Safe Routes to School Program.

**SB 375**

**Carona**

Relating to the release of motor vehicle accident report information.

**SB 488**

**Ellis/ Carona/ et al.**

Relating to the operation of a motor vehicle in the vicinity of a vulnerable road user; providing penalties.

**SB 617**

**Shapleigh**

Relating to requiring a retail seller of motor vehicle tires to render certain tires unusable; providing a civil penalty.

**SB 626**

**Carona**

Relating to the creation, organization, governance, duties, and functions of the Texas Department of Vehicles; providing a penalty.

**SB 652**

**Zaffirini**

Relating to the maintenance of emergency contact and medical information databases by the Texas Department of Public Safety.

Those wishing to give public testimony should limit oral remarks to 2 minutes. If submitting written testimony, please submit 15 copies, with your name on each copy, to the Committee Staff prior to the hearing.

At the Chairman's discretion, the Committee may also consider any pending business.

**Finance**

**8:00 AM**

**E1.036**

To consider the following pending business:

**SB 1**

**Ogden**

General Appropriations Bill.

The Committee will take up and consider any pending items.

<b>Higher Education</b>	<b>8:00 AM</b>	<b>E1.012</b>
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Regrettably, the Senate Higher Education Committee cannot meet due to the meeting of the Committee of the Whole to address Voter Identification legislation.

<b>Intergovernmental Relations</b>	<b>9:30 AM</b>	<b>E1.028</b>
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**SB 361**                      **Patrick, Dan/ et al.**  
Relating to the requirement that water and sewer service providers ensure operations during an extended power outage.

**SB 690**                      **Wentworth**  
Relating to the requirements for a petition proposing an amendment to the charter of a home-rule municipality.

**SB 764**                      **Watson/ Hinojosa**  
Relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment.

<b>Subcommittee on Flooding &amp; Evacuations</b>	<b>10:30 AM</b>	<b>E1.028</b>
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Regrettably, the Subcommittee on Flooding and Evacuations cannot meet this week due to the meeting of the Committee of the Whole to address Voter Identification legislation.

	<b>1:00 PM or 30 minutes</b>	
<b>Nominations</b>	<b>upon adjournment</b>	<b>Senate Chamber</b>

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The committee will not meet today.

<b>Subcommittee on Base Realignment and Closure</b>	<b>1:30 PM</b>	<b>Betty King Cmte. Rm.</b>
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The Senate Subcommittee on Base Realignment and Closure will not meet this week due to the Committee of the Whole meeting to address voter suppression legislation.

<b>Veteran Affairs &amp; Military Installations</b>	<b>1:30 PM or upon adjournment</b>	<b>Betty King Cmte. Rm.</b>
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The Senate Committee on Veteran Affairs & Military Installations cannot meet this week due to the Committee of the Whole meeting to address Voter Identification legislation.

**Thursday  
March 12, 2009**

<b>Finance</b>	<b>8:00 AM</b>	<b>E1.036</b>
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To consider the following pending business:

**SB 1**                      **Ogden**  
General Appropriations Bill.

The Committee will take up and consider any pending items.



<b>Health &amp; Human Services</b>	<b>10:00 AM or upon adjournment of Senate</b>	<b>Senate Chamber</b>
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Public testimony will be limited to 3 minutes.

If submitting written testimony, please provide 20 copies with your name on each.

**SB 73** **Nelson**

Relating to the establishment of an adult stem cell research program.

**SB 87** **Nelson**

Relating to adverse licensing, listing, or registration decisions by certain health and human services agencies.

## SB 187 Deuell

Relating to a Medicaid buy-in program for certain children with disabilities.

**SB 277** **Nelson**

Relating to the Department of Family and Protective Services, including protective services and investigations of alleged abuse, neglect, or exploitation for certain adults who are elderly or disabled; providing a criminal penalty.

## SB 345 Nelson

Relating to screening health care personnel of home and community support services agencies for tuberculosis.

**SB 479** **Carona**

Relating to requiring the Department of State Health Services to implement a provider choice system.

## SB 484 Deuell

**Relating to the practice of psychological associates.**

**SB 492 Nelson**

Relating to the prohibition on certification of sex offenders as emergency medical services personnel.

**SB 527 Nelson**

Relating to certain mammography systems that fail certification standards.

**SB 584 Van de Putte**

Relating to notification to a patient of a mental health facility or resident of a residential care facility of the exemption of certain trusts from liability to pay for support.

**SB 703 Nelson**

Relating to the provision of a certified copy of a birth certificate for certain minors receiving services from the Department of Family and Protective Services.

**SB 705 Nelson**

Relating to the Medicaid consolidated waiver program and other Medicaid long-term care waiver programs.  
The committee may take up pending business.

	<b>1:00 PM or upon adjournment</b>	
<b>Natural Resources</b>		<b>E1.012</b>

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**SB 184 Watson**

Relating to "no regrets" greenhouse gas emission reduction strategies.

**SB 267 Hinojosa/ et al.**

Relating to design, construction, and renovation standards for state buildings and facilities.

**SB 380 Van de Putte**

Relating to a loan program to encourage the use of cleaner hydrogen fuel; providing for the issuance of bonds.

**SB 417 Carona**

Relating to the purchase of a retired firearm from the Parks and Wildlife Department by a game warden.

**SB 540 Estes/ et al.**

Relating to notice of an application for a permit to dispose of oil and gas waste in a disposal well.

**SB 598 Van de Putte**

Relating to a pilot revolving loan program for retrofitting public school buildings with photovoltaic solar panels and associated energy efficiency improvements.

**SB 608 Watson**

Relating to the creation of the Texas Center for Sustainable Business.

**SB 637 Hegar**

Relating to the creation of the Wharton County Drainage District.

**SB 656 Fraser**

Relating to notice of an application for a permit to dispose of oil and gas waste in a commercial disposal well; creating an offense.

**SB 663 Averitt**

Relating to the dissolution of the Tablerock Groundwater Conservation District.

**SB 715 Shapiro**

Relating to the North Texas Municipal Water District.

**SB 724 Hegar**

Relating to the qualification of supervisors of a fresh water supply district.

**SB 799**

**Williams**

Relating to the powers and duties of the Plum Creek Fresh Water Supply District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**SB 800**

**Williams**

Relating to a Texas Commission on Environmental Quality water quality protection area pilot program applicable to portions of the San Jacinto River; providing penalties.

## **REGULAR ORDER OF BUSINESS**

### **SENATE BILLS (Calendar Order)**

### **SENATE JOINT RESOLUTIONS (Second Reading)**

#### **SJR 19 Williams**

Proposing a constitutional amendment relating to appropriations for the preservation and perpetuation of certain items of historical value; allowing the legislature and state agencies to accept on behalf of the state gifts of items of historical value and contributions to purchase such items.

### **SENATE BILLS (Second Reading)**

#### **SB 621 Williams**

Relating to the creation, purpose, implementation, and funding of the County Park Beautification and Improvement Program.

#### **SB 407 (CS) (LC) Shapiro**

Relating to the appointment of magistrates to hear truancy cases in certain counties.

#### **SB 279 (CS) (LC) Nelson**

Relating to a prohibition against certain court orders in a suit affecting the parent-child relationship during a parent's military deployment.

#### **SB 445 (CS) Wentworth**

Relating to juror questions and juror note-taking during civil trials.

**SB 446 (CS) (LC)                      Wentworth**

Relating to the use of certain court costs in a criminal case for municipal programs enhancing public safety and security.

**SB 481 (LC)                              Carona**

Relating to safety regulations for certain contract carriers.

**SB 316 (LC)                              Wentworth**

Relating to the establishment of railroad quiet zones outside the boundaries of certain municipalities.

**SB 334 (LC)                              Carona**

Relating to the repeal of the authority of the Texas Department of Transportation to regulate air carriers.

**SB 348 (LC)                              Carona**

Relating to the Texas Transportation Commission's authority to establish advisory committees.

**SB 376 (LC)                              Carona**

Relating to the powers and duties of the Texas Department of Transportation related to county traffic officers.

**SB 405 (LC)                              Shapiro**

Relating to compensation for the use of the public transportation system of a regional transportation authority.

**SB 434 (CS)                              Wentworth**

Relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.

**SB 158                                      Ellis**

Relating to a notification requirement if a nurse is not assigned to a public school campus.

**SB 33 (CS) Zaffirini**

Relating to school district requirements regarding parental notification and documentation in connection with disciplinary alternative education programs.

**SB 86 (LC) Nelson/ et al.**

Relating to the eligibility of certain aliens for a license to practice medicine in this state.

**SB 287 (LC) Nelson**

Relating to the use of electronic prescribing data transmission systems under the state Medicaid program.

**SB 289 (LC) Nelson**

Relating to ensuring that health information technology used in the medical assistance and child health plan programs conforms to certain standards.

**SB 292 (LC) Nelson**

Relating to the requirement that licensed physicians provide emergency contact information to the Texas Medical Board.

**SB 525 (LC) Nelson/ et al.**

Relating to certain qualified alien physicians practicing medicine in this state.

**SB 202 (CS) (LC) Shapleigh/ et al.**

Relating to provisional licensing of physicians to practice in underserved areas.

**SB 286 (CS) (LC) Nelson**

Relating to a health passport for Medicaid recipients.

**SB 288 (CS) (LC) Nelson**

Relating to the review of a Medicaid recipient's electronic medication history by a provider of Medicaid acute care services.

**SB 291 (CS) (LC) Nelson**

Relating to hepatitis B vaccination for students enrolled in certain health-related courses of study at an institution of higher education.

**SB 343 (CS) (LC) Nelson/ et al.**

Relating to the creation of an advisory committee to study the retail availability of healthy foods in certain underserved areas of this state.

**SB 395 (CS) (LC) Lucio**

Relating to creation of the Early Childhood Health and Nutrition Interagency Council.

**SB 643 (CS) Nelson/ et al.**

Relating to the protection and care of individuals with mental retardation who reside in a state developmental center or the ICF-MR component of the Rio Grande State Center.

**SB 34 (LC) Zaffirini**

Relating to the civil liability of an employer or former employer of a mental health services provider who engages in sexual exploitation of a patient or former patient.

**SB 401 (CS) Seliger**

Relating to eligibility for the small and mid-sized district adjustment under the public school finance system.

**SB 65 (LC) Zaffirini**

Relating to leave for junior college district or university system employees who are physically assaulted while on duty.

**SB 175 Shapiro**

Relating to limitations on the automatic admission of undergraduate students to general academic teaching institutions.



**SB 504 (LC) Ogden**

Relating to the use of land on the main campus of Texas A&M University in College Station.

**SB 52 (LC) Zaffirini**

Relating to the penalties for the illegal use of a parking space or area designated specifically for persons with disabilities.

**SB 293 (CS) (LC) Carona**

Relating to the pledge of certain revenue of a regional transportation authority to the payment of bonds.

**SB 328 (LC) Carona**

Relating to the civil and criminal consequences of operating a motor vehicle or a watercraft while intoxicated or under the influence of alcohol.

**SB 333 (LC) Carona**

Relating to the retention by a county or municipality of certain court costs for maintaining and supporting a certified breath alcohol testing program.

**SB 374 (CS) (LC) Carona**

Relating to the power of a county to enforce compliance with speed limits by an automated traffic control system.

**SB 521 (CS) (LC) Averitt**

Relating to the Texas Department of Transportation's memorial sign program.

**SB 581 (LC) Wentworth**

Relating to intermunicipal commuter rail districts.

**SB 589 (LC) Carona**

Relating to certain requirements for sunscreening devices that are placed on or attached to a motor vehicle; providing a penalty.

**SB 32 (LC) Zaffirini**

Relating to the detention and transportation of a person with a mental illness.

**SB 72 (CS) (LC) Nelson**

Relating to training and other human resources functions of health and human services agencies.

**SB 71 (CS) (LC) Nelson**

Relating to the limitation on paid leave for state employees at health and human services agencies pending a criminal history background check.

**SB 81 (CS) (LC) Nelson**

Relating to certain providers of subsidized child care.

**SB 188 (CS) Deuell/ Van de Putte**

Relating to disease control programs to reduce the risk of certain communicable diseases.

**SB 284 (CS) (LC) Nelson**

Relating to human body and anatomical specimen donation.

**SB 347 (CS) (LC) Nelson**

Relating to the receipt and release of immunization information by the immunization registry in connection with a disaster.

**SB 662 (LC) Lucio/ Hinojosa/ Nelson/  
Ogden/ Seliger/ et al.**

Relating to the establishment and use of a mausoleum beneath certain religious buildings.

**SB 229 (LC) West**

Relating to the procurement methods authorized for public projects by certain local governments.

**SB 234 (LC) West**

Relating to real property subject to restrictive covenants.

**SB 235 (LC) West**

Relating to prohibiting a restrictive covenant granting a right of first refusal to a property owners' association in certain circumstances.

**SB 236 (LC) West**

Relating to the regulation of solar energy devices by a property owners' association.

**SB 239 (LC) West**

Relating to notice requirements in certain enforcement actions initiated by property owners' associations.

**SB 397 (LC) Carona**

Relating to methods of payment for reimbursement of jury service expenses.

**SB 461 (LC) Gallegos**

Relating to eligibility to take the entrance examination for a beginning position in the fire department.

**SB 524 (LC) Duncan**

Relating to the grounds for removal of a member of the board of directors of the Lynn County Hospital District.

**SB 530 (LC) Patrick, Dan**

Relating to the disposition of cash in possession of a deceased pauper.

**SB 623 (LC) West/ Deuell/ et al.**

Relating to the hours worked during a week by fire fighters in certain municipalities.

**SB 497 (CS) (LC) Wentworth**

Relating to compensation paid to certain judges and justices.

**SB 683 (LC) Wentworth**

Relating to the recusal or disqualification of a statutory probate court judge and subsequent assignment of another judge.

**SB 633 (LC) Seliger**

Relating to the number of counties or municipalities necessary to establish a regional drug court program.

**SB 625 (LC) Wentworth**

Relating to the representation of indigent defendants in criminal cases.

**SB 517 (LC) Harris**

Relating to the application of the child support guidelines in a suit affecting the parent-child relationship.

**SB 477 (LC) Wentworth**

Relating to eligibility for assignment as a visiting judge.

**SB 420 (LC) Carona**

Relating to the performance evaluation criteria for judges employed by a municipality.

**SB 271 (LC) Harris**

Relating to the appointment of a successor guardian for certain wards adjudicated as totally incapacitated.

**SB 189 Shapleigh/ et al.**

Relating to the extension of consumer credit to certain members of the Texas National Guard and armed forces of the United States and their dependents; providing a penalty.

**SB 90 (CS) Van de Putte/ Shapleigh/  
Uresti/ Wentworth**

Relating to adoption of the Interstate Compact on Educational Opportunity for Military Children.

**SB 44 (CS) (LC) Zaffirini**

Relating to the participation of undergraduate students in funding awarded under the advanced research program.

**SB 93 (CS)**

**Van de Putte/ et al.**

Relating to the residency requirements for tuition and fee exemptions for certain military personnel and their dependents.

(CS) COMMITTEE SUBSTITUTE

(LC) RECOMMENDED FOR LOCAL CALENDAR

## **SENATE FLOOR ACTION**

**Monday  
March 9, 2009**

**The Senate suspended the necessary rules to consider and finally pass:**

**SB 643 (CS) Nelson/ et al.**

Relating to the protection and care of individuals with mental retardation who reside in a state developmental center or the ICF-MR component of the Rio Grande State Center.

**10 Floor Amendments**

**The Senate adopted the following resolutions:**

**SR 383 Shapiro**

Commending the McKinney Boyd High School Honors Band.

**SR 391 Shapiro**

Recognizing the Texas Coalition for Quality Arts Education.

**HCR 46 Craddick SP: Seliger**

Honoring the Commemorative Air Force, based in Midland, for its inspiring educational programs and for its crucial efforts to preserve the military aviation history of the United States.

**Committee referral on the following:**

**SB 3 Shapiro**

Relating to public school accountability, curriculum, and promotion requirements.

**Education**

**SB 11 Carona**

Relating to the investigation, prosecution, and punishment for certain gang-related and other offenses and to the civil consequences of engaging in certain activities of a criminal street gang; providing penalties.

**Transportation & Homeland Security**

**SB 851 Patrick, Dan**

Relating to the reallocation of local sales and use taxes.

**Finance**

**SB 852 Patrick, Dan**

Relating to the collection and allocation of local sales and use taxes.

**Finance**

**SB 853 Patrick, Dan**

Relating to authorizing injunctive relief during proceedings to cancel or suspend certain alcoholic beverage permits and licenses.

**Business & Commerce**

**SB 854 Patrick, Dan**

Relating to the operation and regulation of massage establishments; imposing penalties.

**Criminal Justice**

**SB 855 Carona**

Relating to local options regarding transportation and mobility improvement projects in certain counties.

**Transportation & Homeland Security**

**SB 856 Hinojosa**

Relating to the expiration of certain parts of the Texas Economic Development Act.

**Economic Development**

**SB 857 West**

Relating to the purchasing and contracting practices of junior college districts; providing criminal penalties.

**Higher Education**

**SB 858 Seliger**

Relating to offering the classroom portion of a driver education course through an alternative method of instruction.

**Transportation & Homeland Security**

**SB 859 Seliger**

Relating to initial claims under the unemployment compensation system.

**Economic Development**

**SB 860 Hegar**

Relating to the creation of the Fort Bend-Waller Counties Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**Intergovernmental Relations**

**SB 861 Wentworth**

Relating to the exchange of information among certain governmental entities concerning at-risk youth.

**Jurisprudence**

**SB 862 Eltife**

Relating to practices and professions regulated by the Texas Real Estate Commission.

**Business & Commerce**

**SB 863 Harris**

Relating to adoption of certain information technology.

**State Affairs**



**SB 864 Harris**

Relating to the qualifications and duties of a parenting coordinator in a suit affecting the parent-child relationship.

**Jurisprudence**

**SB 865 Harris**

Relating to child support enforcement.

**Jurisprudence**

**SB 866 Harris**

Relating to the rights and liabilities of the parties in a suit for dissolution of a marriage and certain post-dissolution proceedings.

**Jurisprudence**

**SB 867 Lucio**

Relating to summer nutrition programs provided for by school districts.

**Education**

**SB 868 Lucio**

Relating to free breakfast for certain public school students.

**Education**

**SB 869 Lucio**

Relating to free breakfast for certain public school students.

**Education**

**SB 870 Lucio**

Relating to the duties of the interagency obesity council and the Department of Agriculture relating to health, wellness, and prevention of obesity.

**Health & Human Services**

**SB 871 Lucio**

Relating to health risk assessments of state employees.

**State Affairs**

**SB 872 Lucio**

Relating to the purchase of continued health insurance coverage by an eligible survivor of certain public servants killed in the line of duty.

**State Affairs**

**SB 873 Harris/ Hegar/ Williams**

Relating to a requirement that certain appraisal districts provide for electronic filing of and electronic communications regarding a protest of appraised value by the owner of a residence homestead.

**Finance**

**SB 874 Shapleigh**

Relating to the exemption of certain counties from the drainage charge imposed by a municipal drainage utility system.

**Intergovernmental Relations**

**SB 875 Shapleigh**

Relating to consideration of students' preferred class times in establishing course schedules at public institutions of higher education.

**Higher Education**

**SB 876 Averitt**

Relating to the performance of annual soil tests for certain concentrated animal feeding operations by the Texas Commission on Environmental Quality.

**Natural Resources**

**SB 877 Ellis/ et al.**

Relating to the provision of HIV and AIDS tests and to health benefit plan coverage of HIV and AIDS tests.

**Health & Human Services**

**SB 878 Davis, Wendy**

Relating to use of the money from the Texas enterprise fund to promote renewable energy technology.

**Economic Development**

**SB 879** **Averitt/ et al.**

Relating to premium discounts for certain participants in the Texas Health Insurance Risk Pool and to related tax credits for health benefit plan issuers.

**State Affairs**

**SB 880** **Hegar**

Relating to the creation of the Fort Bend County Municipal Utility District No. 200; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**Intergovernmental Relations**

**SB 881** **Eltife**

Relating to a specialty insurance agent license for certain vendors of portable electronic devices.

**Business & Commerce**

**SB 882** **Carona**

Relating to the powers and duties of a regional tollway authority, including the establishment of an administrative adjudication hearing procedure; creating an offense.

**Transportation & Homeland Security**

**SB 883** **Carona**

Relating to the use of the state highway fund to participate in the costs associated with a toll facility of a public or private entity.

**Transportation & Homeland Security**

**SB 884** **Harris**

Relating to compensation of certain persons by a domestic insurance company.

**Business & Commerce**

**SB 885** **Harris**

Relating to a franchise tax credit for certain research and development activities.

**Economic Development**

**SB 886 Nelson**

Relating to the waiver of sovereign immunity for claims based on retaliation against a nurse for engaging in protected patient advocacy activities.

**State Affairs**

**SB 887 Nelson**

Relating to the licensing and regulation of dentists, dental hygienists, dental assistants, and dental laboratories; providing penalties.

**Health & Human Services**

**SB 888 Nelson**

Relating to establishing a pill splitting program to reduce health plan costs for certain public employees.

**State Affairs**

**SB 889 Nelson**

Relating to a deduction under the franchise tax for physicians who administer vaccines.

**Finance**

**SB 890 Nelson**

Relating to physical activity requirements for students in public schools.

**Education**

**SB 891 Nelson**

Relating to the public school physical education curriculum.

**Education**

**SB 892 Nelson**

Relating to inclusion in a public school campus improvement plan of an evaluation of the campus coordinated health program.

**Education**

**SB 893 Nelson**

Relating to the authority of a county to regulate and inspect day-care centers and group day-care homes; providing a criminal penalty.

**Health & Human Services**

**SB 894 Nelson/ et al.**

Relating to municipal investment of public funds received from the management and development of mineral rights.

**Intergovernmental Relations**

**SB 895 Nelson**

Relating to the Cancer Prevention and Research Institute of Texas.

**Health & Human Services**

**SB 896 Shapleigh**

Relating to the repeal of the driver responsibility program.

**Transportation & Homeland Security**

**SB 897 Shapleigh**

Relating to certain reporting requirements in connection with the transportation of hazardous materials by a railroad company.

**Transportation & Homeland Security**

**SB 898 Shapleigh**

Relating to the purposes and designation of a municipal transportation reinvestment zone.

**Transportation & Homeland Security**

**SB 899 Deuell**

Relating to hospital district participation in state travel service contracts.

**Government Organization**

**SB 900 Deuell/ et al.**

Relating to the collection and use of certain information by health benefit plan issuers; providing administrative penalties.

**State Affairs**

**SB 901** **Deuell/ et al.**  
Relating to regulation of health benefit plans.  
**State Affairs**

**SB 902** **Davis, Wendy**  
Relating to restrictions on the release into the air of natural gas and associated vapors from a gas well.  
**Natural Resources**

**SB 903** **Hegar**  
Relating to the designation of a person to act as the agent of a property owner in a property tax matter.  
**Finance**

**SB 904** **Williams**  
Relating to prescriptions issued for certain controlled substances.  
**Health & Human Services**

**SB 905** **Davis, Wendy**  
Relating to the date on which eligibility for benefits begins under certain programs for governmental employees and retirees.  
**State Affairs**

**SB 906** **Williams**  
Relating to dates on which certain independent school districts may hold an election of trustees.  
**Education**

**SB 907** **Williams**  
Relating to the purchase of a United States flag or Texas flag by a governmental entity.  
**Administration**

**SB 908**

**Williams**

Relating to the crediting and charging of investment gains and losses on the assets held in trust by the Texas Municipal Retirement System and providing a guaranteed minimum credit to employee accounts.

**State Affairs**

**SB 909**

**Williams**

Relating to designating the first week of October as Monarch Butterfly Week.

**Administration**

**SB 910**

**Lucio**

Relating to free breakfast for certain public school students.

**Education**

**SB 911**

**Williams**

Relating to the licensing and regulation of pain management clinics.

**Health & Human Services**

**SB 912**

**Williams**

Relating to the diversion of a controlled substance by certain persons who have access to the substance by virtue of the person's profession or employment; providing penalties.

**Criminal Justice**

**SB 913**

**Williams**

Relating to the authority of the Lower Neches Valley Authority to acquire, own, operate, maintain, and improve the Devers Canal System, its water rights, and associated property.

**Natural Resources**

**SB 914**

**Williams**

Relating to the powers and duties of the Liberty Lakes Fresh Water Supply District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**Natural Resources**

**SB 915** **Ellis/ Duncan**

Relating to a qualified privilege of a journalist not to testify.

**Jurisprudence**

**SB 916** **Harris**

Relating to exempting certain judicial officers from certain requirements for obtaining or renewing a concealed handgun license and to the authority of certain judicial officers to carry certain weapons.

**Criminal Justice**

**SB 917** **Harris**

Relating to the definition of charitable trust for purposes of court jurisdiction.

**Jurisprudence**

**SB 918** **Harris**

Relating to attorney general participation in proceedings involving charitable trusts.

**Jurisprudence**

**SB 919** **Harris**

Relating to an administrative fee for defendants required by a court to perform community service in lieu of serving a term of confinement in county jail.

**Criminal Justice**

**SB 920** **Harris**

Relating to the right to an expunction of records and files relating to a person's arrest.

**Criminal Justice**

**SB 921** **Fraser**

Relating to access by the members of electric cooperatives to meetings of the boards of directors and certain information of the electric cooperatives.

**Business & Commerce**



**SB 922**

**Harris**

Relating to the powers and duties of certain magistrates.

**Jurisprudence**

**SB 923**

**Harris**

Relating to notice of proposed increases in fees charged by the Parks and Wildlife Department for certain permits.

**Natural Resources**

**SB 924**

**Huffman**

Relating to the issuance of Save Our Beaches specialty license plates.

**Transportation & Homeland Security**

**SB 925**

**Huffman**

Relating to the creation of a court record preservation fund; imposing a fee.

**Criminal Justice**

**SB 926**

**Huffman**

Relating to the imposition of a civil penalty against the owner of an authorized emergency vehicle for a violation recorded by a photographic traffic signal enforcement system.

**Transportation & Homeland Security**

**SB 927**

**Huffman**

Relating to tampering with a direct recording electronic voting machine.

**State Affairs**

**SB 928**

**Patrick, Dan/ Carona/  
Eltime/ Nelson/ Nichols/  
et al.**

Relating to the limitation on the rate of growth of appropriations.

**Finance**

**SB 929**

**Huffman**

Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 4; providing authority to impose a tax and issue bonds.

**Intergovernmental Relations**

**SB 930**

**Huffman**

Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 5; providing authority to impose a tax and issue bonds.

**Intergovernmental Relations**

**SB 931**

**Huffman**

Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 6; providing authority to impose a tax and issue bonds.

**Intergovernmental Relations**

**SB 932**

**Huffman**

Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 7; providing authority to impose a tax and issue bonds.

**Intergovernmental Relations**

**SB 933**

**Ellis**

Relating to compensation to persons wrongfully imprisoned.

**State Affairs**

**SB 934**

**Lucio**

Relating to funding the housing trust fund.

**Intergovernmental Relations**

**SB 935**

**Seliger**

Relating to authorizing a judge of a municipal court to conduct a marriage ceremony.

**Jurisprudence**

**SB 936**

**Carona**

Relating to the appointment of a communications coordination group.

**Transportation & Homeland Security**

**SB 937 Carona**

Relating to the prosecution of and punishment for certain criminal offenses involving a combination or a criminal street gang.

**Criminal Justice**

**SB 938 Carona**

Relating to a central database containing information about certain violent offenders who are members of a criminal street gang.

**Criminal Justice**

**SB 939 Watson**

Relating to the capability of the Public Education Information Management System (PEIMS) to provide information regarding public school students placed in foster care.

**Education**

**SB 940 Wentworth**

Relating to the regulation of the public practice of geoscience.

**Natural Resources**

**SB 941 Wentworth**

Relating to contracts by governmental entities for professional services relating to geoscience.

**Natural Resources**

**SB 942 Wentworth**

Relating to local option methods for financing transportation projects and services.

**Transportation & Homeland Security**

**SB 943 Zaffirini**

Relating to a pilot project to establish a comprehensive single point of entry for long-term services and supports provided to the aged and physically disabled individuals.

**Health & Human Services**

**SB 944** **Zaffirini/ et al.**

Relating to a grant program to provide children at risk of hunger or obesity with increased access to nutritious foods.

**Health & Human Services**

**SB 945** **Zaffirini**

Relating to unemployment compensation benefits.

**Economic Development**

**SB 946** **Deuell**

Relating to the Medicaid Drug Utilization Review Program and prescription drug use under the Medicaid program.

**Health & Human Services**

**SB 947** **Duncan**

Relating to the exemption from ad valorem taxation of certain tangible personal property stored temporarily at a location in this state.

**Finance**

**SB 948** **Estes**

Relating to the definition of an agricultural business for the purposes of the Texas Agricultural Finance Authority.

**Agriculture & Rural Affairs**

**SB 949** **Estes**

Relating to the ad valorem tax situs of certain portable drilling rigs and associated equipment.

**Finance**

**SB 950** **West**

Relating to a fee imposed on real estate transactions to fund the housing trust fund.

**Intergovernmental Relations**

**SB 951 Shapleigh**

Relating to the appraisal for ad valorem tax purposes of historic property.

**Finance**

**SB 952 Shapleigh**

Relating to erecting an off-premise sign adjacent to and visible from certain roads that follow the route of El Camino Real de Tierra Adentro.

**International Relations & Trade**

**SB 953 Shapleigh**

Relating to contracting issues of state agencies.

**Finance**

**SB 954 Shapiro**

Relating to uniform financial aid award notification for students and prospective students of public institutions of higher education.

**Higher Education**

**SB 955 Shapiro**

Relating to the state virtual school network.

**Education**

**SB 957 Watson**

Relating to the ability of a county, public hospital, or hospital district to purchase or arrange for the purchase of certain health coverage or benefits for eligible residents.

**State Affairs**

**SB 958 Hegar**

Relating to an exemption from the sales and use tax for machinery and equipment used in an agricultural aircraft operation.

**Finance**

**SB 959 Duncan**

Relating to the authority of certain counties to impose a hotel occupancy tax for the maintenance and operation of a coliseum in the county.

**Intergovernmental Relations**

**SB 960 Ellis/ Lucio**

Relating to eligibility of certain job trainees for extended unemployment compensation benefits.

**Economic Development**

**SB 961 Ellis/ et al.**

Relating to the sale of certain annuities.

**State Affairs**

**SB 962 Ellis**

Relating to a business's electronic transmission of the sensitive personal information of its customers.

**Business & Commerce**

**SB 963 Ellis**

Relating to rates for long-term care insurance premiums.

**State Affairs**

**SB 964 Ellis**

Relating to requirements for insurers and insurance agents that sell Medicare-related products.

**State Affairs**

**SB 965 Ellis/ et al.**

Relating to certain education requirements for insurance agents who sell annuities.

**State Affairs**

**SB 966 Ellis**

Relating to the repeal of state sales tax and franchise tax refunds for certain ad valorem tax payers.

**Finance**

**SB 967 Hegar**

Relating to the disclosure by the developer of the subdivision of planned highway projects that will go through or be adjacent to a subdivision.

**Transportation & Homeland Security**

**SB 968 West**

Relating to interactive water features and fountains.

**Intergovernmental Relations**

**SB 969 Seliger**

Relating to a length exemption for a vehicle or combination of vehicles used to transport a combine used in farm custom harvesting operations.

**Agriculture & Rural Affairs**

**SB 970 Seliger**

Relating to the qualifications required of the executive director of the Texas Department of Transportation.

**Transportation & Homeland Security**

**SB 971 Seliger**

Relating to an interlocal contract for a relief highway route around certain municipalities.

**Transportation & Homeland Security**

**SB 972 Averitt**

Relating to small and large employer health group cooperatives.

**State Affairs**

**SB 973 Duncan**

Relating to creating a recognition day to celebrate the history and heritage of Texas bison.

**Government Organization**

**SB 974 Carona**

Relating to records of certain frivolous complaints maintained by the Texas Board of Professional Land Surveying.

**Business & Commerce**

**SB 975 Ellis**

Relating to a loan program to encourage the use of renewable energy technology and the making of energy efficiency improvements; providing for the issuance of bonds.

**Finance**

**SB 976 Ellis**

Relating to distribution of sexual barrier protection devices to inmates and state jail defendants confined in facilities operated by or under contract with the Texas Department of Criminal Justice.

**Criminal Justice**

**SB 977 Ellis**

Relating to the reporting of information regarding debt incurred for necessary medical treatment.

**Business & Commerce**

**SB 978 West**

Relating to the creation and financing of public improvement districts.

**Intergovernmental Relations**

**SB 979 Lucio**

Relating to foreclosure sales of residential real property; providing a penalty.

**Business & Commerce**



**SB 980 Lucio**

Relating to reporting of certain information regarding foreclosure sales of residential real property.

**Business & Commerce**

**SB 981 Van de Putte**

Relating to a requirement that school districts notify employees regarding entitlement to leave time in circumstances involving assault.

**Education**

**SB 982 Van de Putte/ Eltife/  
West/ et al.**

Relating to public school finance.

**Education**

**SB 983 Davis, Wendy**

Relating to providing certain documents and training to children in the conservatorship of the state.

**Health & Human Services**

**SB 984 Davis, Wendy**

Relating to the jurisdiction of a court to conduct placement review hearings for a child in the managing conservatorship of the state after the child's 18th birthday.

**Health & Human Services**

**SB 985 Davis, Wendy**

Relating to the lodging expenses of certain state emergency services personnel.

**Transportation & Homeland Security**

**SB 986 Davis, Wendy**

Relating to unlawful employment practices regarding discrimination in payment of compensation.

**Business & Commerce**

**SB 987**

**Shapiro**

Relating to the age at which transition planning begins for a public school student receiving special education services.

**Education**

**SB 988**

**Ellis**

Relating to the development of a climate adaptation plan by certain entities.

**Natural Resources**

**SB 989**

**Lucio**

Relating to the municipal hotel occupancy tax imposed in certain municipalities.

**Intergovernmental Relations**

**SB 990**

**Lucio/ Zaffirini**

Relating to the establishment of the rural housing land assemblage program.

**International Relations & Trade**

**SB 991**

**Lucio**

Relating to the allocation of housing tax credits to developments in rural areas under the low income housing tax credit program.

**Intergovernmental Relations**

**SB 992**

**Duncan**

Relating to the jurisdiction and administration of, and procedures relating to, certain courts in this state, including procedures for appeals.

**Jurisprudence**

**SB 993**

**Duncan**

Relating to ranking of physicians by health benefit plans.

**State Affairs**

**SB 994**

**Hegar**

Relating to the creation of the Fort Bend County Municipal Utility District No. 192; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**Intergovernmental Relations**

**SB 995**

**Averitt**

Relating to imposition of the motor vehicle sales tax on motor vehicles transferred as the result of a gift.

**Finance**

**SB 996**

**Averitt**

Relating to imposition of the motor vehicle sales tax on leased motor vehicles.

**Finance**

**SB 997**

**Duncan**

Relating to the administration of and exemptions from the gas production tax.

**Finance**

**SB 998**

**Gallegos**

Relating to the seizure of the circuit board of a gambling device or equipment, altered gambling equipment, or gambling paraphernalia.

**Criminal Justice**

**SB 999**

**Gallegos**

Relating to the regulation of certain licensing agents; providing penalties.

**Business & Commerce**

**SB 1000**

**Gallegos**

Relating to the practice of nursing; providing civil penalties.

**Health & Human Services**

(CS) COMMITTEE SUBSTITUTE

**SENATE COMMITTEES 81ST LEGISLATURE (Regular)**

**ADMINISTRATION** - Williams, Chair; Uresti, Vice-Chair; Ogden, Shapiro, Wentworth, Whitmire, Zaffirini

**AGRICULTURE & RURAL AFFAIRS** - Estes, Chair; Uresti, Vice-Chair; Hegar, Hinojosa, Jackson

**BUSINESS & COMMERCE** - Fraser, Chair; Harris, Vice-Chair, Averitt, Eltife, Estes, Jackson, Lucio, Van de Putte, Watson

**CRIMINAL JUSTICE** - Whitmire, Chair; Seliger, Vice-Chair; Carona, Ellis, Hegar, Hinojosa, Patrick

**ECONOMIC DEVELOPMENT** - Harris, Chair; Eltife, Vice-Chair; Deuell, Watson, Zaffirini

**EDUCATION** - Shapiro, Chair; Patrick, Vice-Chair; Averitt, Davis, Gallegos, Ogden, Van de Putte, West, Williams

**FINANCE** - Ogden, Chair; Hinojosa, Vice-Chair; Averitt, Deuell, Duncan, Eltife, Harris, Lucio, Nelson, Seliger, Shapiro, West, Whitmire, Williams, Zaffirini

**GOVERNMENT ORGANIZATION** - Ellis, Chair; Hegar, Vice-Chair; Huffman, Lucio, Nelson, Ogden, Whitmire

**HEALTH & HUMAN SERVICES** - Nelson, Chair; Deuell, Vice-Chair; Huffman, Nichols, Patrick, Shapleigh, Uresti, West, Zaffirini

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## **NOTICE OF ASSISTANCE AT PUBLIC MEETINGS**

Persons with disabilities who plan to attend public meetings in the Senate and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Scott Caffey, Senate Committee Coordinator, at 463-0070 or TDD 475-3758 seventy-two (72) hours prior to the meeting so that appropriate arrangements can be made.

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**SENATE COMMITTEE SCHEDULE**

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY
8:00 AM			<b>**Transportation &amp; Homeland Security</b> <i>E1.016</i> <b>Higher Education</b> <i>E1.012</i>	<b>**State Affairs</b> <i>Senate Chamber</i>
8:30 AM	<b>***Finance</b> <i>E1.036</i>	<b>**Education</b> <i>E1.028</i>		<b>**Education</b> <i>E1.028</i>
9:00 AM		<b>**Health &amp; Human Services</b> <i>Senate Chamber</i> <b>**Business &amp; Commerce</b> <i>Betty King Cmte. Rm.</i>		<b>**Health &amp; Human Services</b> <i>E1.016</i> <b>**Business &amp; Commerce</b> <i>Betty King Cmte. Rm.</i>
9:30 AM			<b>**Intergovernmental Relations</b> <i>E1.028</i> <b>****Subcommittee on Flooding &amp; Evacuations</b>	
10:00 AM	<b>**State Affairs</b> <i>Senate Chamber</i>			
11:00 AM or upon adj.				<b>**Finance</b> <i>E1.036</i>
1:00 PM or upon adj.		<b>Natural Resources</b> <i>E1.012</i>	<b>Nominations</b> <i>Senate Chamber</i>	<b>Natural Resources</b> <i>E1.012</i>
1:30 PM or upon adj.	<b>International Relations and Trade</b> <i>E1.016</i> <b>Government Organization</b> <i>Betty King Cmte. Rm.</i> <b>Economic Development</b> <i>E1.028</i>	<b>Criminal Justice</b> <i>E1.016</i>	<b>Jurisprudence</b> <i>E1.012</i> <b>Veteran Affairs and Military Installations</b> <i>Betty King Cmte. Rm.</i> <b>****Subcommittee on Base Realignment and Closure</b> <i>Betty King Cmte. Rm.</i>	
3:00 PM or upon adj.	<b>Agriculture &amp; Rural Affairs</b> <i>E1.012</i>			

- \* Administration will meet at the discretion of the Chair.
- \*\* These committees will continue meeting in the afternoon as necessary.
- \*\*\* Regular bill hearing only. Thursday will serve as a back up for bill hearings, if necessary.
- \*\*\*\* Subcommittee on Base Realignment and Closure will meet after the Veteran Affairs and Military Installation Committee.
- \*\*\*\*\* Subcommittee on Flooding and Evacuations will meet after the Intergovernmental Relations Committee.

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3-10-09

Austin, Texas

Date

To the Chairman of the Committee on the whole:

Pursuant to Senate Rule 11.20, I hereby request 48 hours advance notice in writing of the time and place of the hearing on S.B. No. 362.

*John N. ... Wendy A. Davis*  
*J. J. ...*  
*W. ...*  
*...*  
Give the original of this form to Calendar Clerk for placement on the bill, give one copy to the Secretary of the Senate's office, and one copy to the Chairman of the committee to which the bill was referred.  
*...*  
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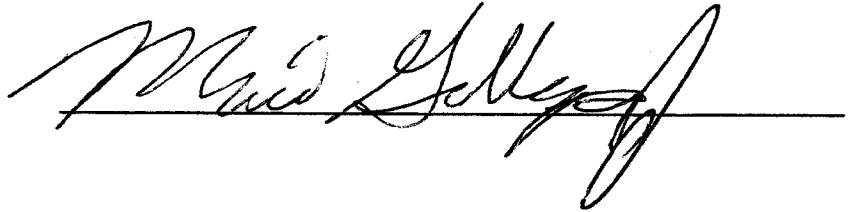
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Austin, Texas

Date

To the Chairman of the Committee on State Affairs - Committee of the whole

Pursuant to Senate Rule 11.19, I hereby request 48 hours advance notice in writing of the time and place of the hearing on S. B. No. 362



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*Gallagos Motion*

COMMITTEE OF THE WHOLE SENATE



SENATE  
EIGHTY-FIRST LEGISLATURE  
REGULAR SESSION

DAVID DEWHURST  
Lieutenant Governor

PATSY SPAW  
Secretary

ROLL CALL NO. 2

NO. \_\_\_\_\_

QUESTION: \_\_\_\_\_

*Appeal Ruling  
of Chair on  
West's POO*

DATE <u>3-10</u> 2009	Yeas	Nays	Present	Absent
AVERITT	✓			
CARONA	✓			
DAVIS		✓		
DEUELL	✓			
DUNCAN			✓	
ELLIS		✓		
ELTIFE	✓			
ESTES	✓			
FRASER	✓			
GALLEGOS		✓		
HARRIS	✓			
HEGAR	✓			
HINOJOSA		✓		
HUFFMAN	✓			
JACKSON	✓			
LUCIO		✓		
NELSON	✓			
NICHOLS	✓			
OGDEN	✓			
PATRICK	✓			
SELIGER	✓			
SHAPIRO	✓	✓		
SHAPLEIGH		✓		
URESTI		✓		
VAN DE PUTTE		✓		
WATSON		✓		
WENTWORTH	✓			
WEST		✓		
WHITMIRE		✓		
WILLIAMS	✓			
ZAFFIRINI		✓		
MR. PRESIDENT	✓			
TOTAL	19	12	1	

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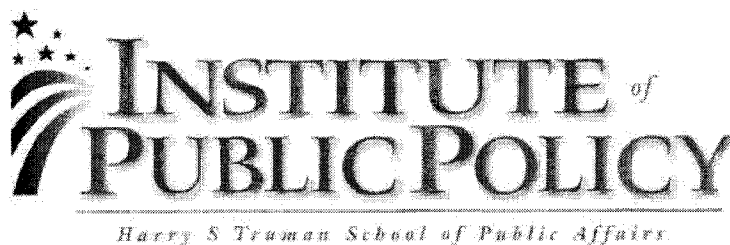
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# The Effects of Photographic Identification on Voter Turnout in Indiana: A County-Level Analysis

Jeffrey Milyo

Report 10–2007  
Revised December 2007

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Institute of Public Policy  
University of Missouri  
137 Middlebush Hall  
Columbia, MO 65211*



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## Abstract:

I examine the change in voter turnout across Indiana counties before and after the implementation of photo ID requirements. Overall, statewide turnout increased by about two percentage points after photo ID; further, there is no consistent evidence that counties that have higher percentages of minority, poor, elderly or less-educated population suffer any reduction in voter turnout relative to other counties. In fact, the estimated effect of photo ID on turnout is positive for counties with a greater percentage of minorities or families in poverty. The only consistent and frequently statistically significant impact of photo ID in Indiana is to increase voter turnout in counties with a greater percentage of Democrats relative to other counties. These findings run counter to some recent and prominent concerns that have been raised about voter identification reforms; however, these results are consistent with both existing theory on voter behavior and the most recent and reliable empirical evidence on the effects of voter identification requirements on turnout.



# The Effects of Photographic Identification on Voter Turnout in Indiana: A County-Level Analysis

Jeffrey Milyo

## 1. Introduction

This study evaluates the effects of photographic voter identification requirements implemented in Indiana prior to the 2006 general election. Previous studies have examined the effects of voter identification laws more generally, but none of these separately analyzes the effects of so-called “mandatory photo ID” (hereafter simply, “photo ID”) on turnout in Indiana.<sup>1</sup> Nevertheless, the existing scholarly literature on voter identification does strongly suggest that photo ID requirements are likely to have only a negligible impact on overall voter turnout; further, previous studies indicate that photo ID is unlikely to reduce the relative participation of minorities (e.g., Alvarez et al. 2007 and Mycoff et al. 2007). Given that these lessons from social science research run counter to the conventional wisdom, at least that espoused in some quarters,<sup>2</sup> I first review the most recent and relevant literature on the effects of voter identification on turnout, then present the findings from my empirical analysis of turnout in Indiana.

The change in voter turnout from the 2002 to 2006 general elections provides a nearly ideal natural experiment for estimating the effects of photo ID on voter turnout across the 92 counties in Indiana. Both years were midterm election years and in neither year was there a major contested statewide race (i.e., for governor or U.S. Senate); however, 2006 was the first general election year in which Indiana’s photo ID law was actually implemented. I exploit this natural experiment to identify the effects of photo ID on turnout in counties with a greater percentage of minority, poor, elderly, or less educated populations.

I examine a variety of models of voter turnout and control for the influence of several other factors that may influence turnout. Overall, voter turnout

in Indiana increased about two percentage points from 2002 to 2006; however, in counties with greater percentages of minority or poor voters, turnout increased by even more, although this increase is not statistically significant. For counties with greater percentages of elderly or less educated voters, results are more mixed, but not consistently significant or negative. The only consistent and frequently significant effect of voter ID that I find is a positive effect on turnout in counties with a greater percentage of Democrat-leaning voters.

## 2. Voter ID and Turnout: Lessons from the Social Science Literature

The public debate over photo identification requirements for voters has been marked by oft-repeated concerns about the possible dramatic and detrimental effects of state voter identification requirements on voter turnout. The political rhetoric has become so superheated that recent attempts to reform voter identification laws have been met with explicit accusations of racism on the part of reformers, dire warnings of a coming “disenfranchisement,” and assertions that such reforms, though popular across party lines, are a “thinly veiled” attempt to prevent Democrats from voting.

In contrast, political theory suggests that the effects of voter identification laws on voter turnout are ambiguous. Such reforms increase the effort required to vote for some persons without proper identification (at least one time, anyway). Of course, some of these persons may be eligible voters and others will be ineligible voters. However, voter identification reforms may also instill greater confidence in the electoral process among eligible voters, making them more willing to participate in elections. Consequently, the actual impact of voter identification on turnout is an



empirical question; and even if turnout decreases with voter identification laws, it is by no means apparent that it is eligible voters that are being affected.

Until very recently, there were no systematic statistical studies of the effects of photo ID requirements for voting, although it has long been understood that many other countries both require such identification and experience higher rates of turnout than in the U.S. Studies of voter turnout across countries have instead focused on voter registration, the frequency of elections, non-compulsory voting, and single-member districts (as opposed to proportional representation) as reasons that turnout in the U.S. is low relative to other developed democracies (Powell 1986 and Blaise 2006). The fact that such cross country studies do not even entertain the possibility that photo ID requirements reduce turnout is itself informative about the long-standing opinion of the political science profession regarding the relative unimportance of such laws for turnout.

In contrast, numerous studies analyze the effects of voting institutions other than voter identification on turnout. In general, these studies find at best very modest effects of post-registration laws such as time off work for voting, opening polls early or keeping polls open late, mailing sample ballots, etc. (Primo, et al. 2007). This is because voter registration is a relatively high hurdle compared to these post-registration requirements; adding or removing some marginal costs of voting beyond registration has virtually no observable effect on turnout. Applying these lessons to voter identification, it is highly unlikely that anyone sufficiently motivated to register to vote, inform themselves about the current election issues, and transport themselves to a polling place will then be deterred by the incremental requirement of presenting proper identification at the polls.

In fact, there is an even more fundamental reason to expect that the impact voter identification requirements on turnout are likely to be negligible. This is because very few eligible voters lack official identification and presumably even fewer (if any) lack the capacity to produce sufficient identification should they have a need and inclination to do so.<sup>3</sup> Finally, the ability to cast a provisional ballot reduces further the potential for a legitimate voter to be disenfranchised, even when that person lacks proper identification.

On this point, Ansolabehere (2007) notes that in a recent national survey with 36,500 respondents, only 23 persons self-reported that they were not permitted to cast a regular ballot at the polls in 2006 because of identification problems. Further, it is not clear how many of these 23 persons cast a provisional ballot, although it appears that most did;<sup>4</sup> nor is it ascertainable from the survey whether any of these persons were actually eligible to vote, or whether they were honestly reporting problems at the polls.<sup>5</sup> It is nonetheless apparent that recent claims of a coming “disenfranchisement” are nothing more than irresponsible and ignorant exaggerations (e.g., Schulz 2007).

On the other hand, the widespread popularity of voter identification requirements suggests that the general public is indeed concerned about vote dilution from ineligible votes.<sup>6</sup> Lott (2006) has argued that confidence in the fairness of elections translates directly into higher voter turnout; such an effect, if it existed, might also reasonably be expected to be most pronounced for groups that tend to have less trust in the efficacy American democracy (e.g., racial and ethnic minorities, the poor and the less educated).

In fact, scholars of American politics generally agree that voter turnout is determined largely by idiosyncratic factors, such as an individual’s intrinsic value of voting (i.e., does the individual feel a duty to vote) as opposed to political institutions (Matsusaka and Palda 1999; Mycoff et al., 2007).<sup>7</sup> For this reason, factors that influence trust and confidence in the integrity of the electoral process are generally thought to be important determinants of an individual’s decision to vote (Putnam 2000).<sup>8</sup> For all these reasons, it is theoretically plausible that photo identification requirements actually increase voter turnout. Consequently, there exists a long-standing political science literature that does not support recent assertions that photo ID requirements have dramatic and detrimental effects on turnout.

#### *Recent empirical studies of state voter identification laws*

In the wake of recent legislation implementing voter identification reforms in the states, a flurry of new empirical studies have appeared that more directly address the question of how state voter identification laws impact voter turnout. Unfortunately, the two



studies that have received the most coverage in the press (Eagleton 2006 and Vercellotti and Anderson 2006; hereafter, the “Rutgers studies”) are fatally flawed on several counts.<sup>9</sup> For example, several authors note that these studies examine only a single cross-section of turnout data from 2004, so cannot properly estimate the treatment effect of state voter identification laws; nor can these studies properly estimate the effects of mandatory photo ID requirements (Alvarez, et al 2007, Mycoff, et al 2007 and Muhlhausen and Sikich 2007). Further, the Rutgers studies miscode several state identification laws (Mycoff, et al. 2007 and Muhlhausen and Sikich 2007). Finally, the findings reported in the Rutgers studies are not robust to reasonable changes in their statistical model (Alvarez, et al. 2007 and Muhlhausen and Sikich 2007).

The flawed Rutgers studies are also the only systematic studies of voter identification for which the authors conclude that ID laws have strong or consistently negative consequences for voter turnout overall, and especially for minorities. However, even ignoring the methodological problems with the Rutgers studies, the authors do an additional disservice to the public debate by mischaracterizing their own findings. For example, taken at face value, the results presented in the Rutgers studies imply that the most strict forms of voter identification laws examined in their data (voluntary photo ID) are associated with higher voter turnout among Black, Hispanic and Asian minorities than are the next most strict category of identification laws that they examine (non-photo ID). Further, the Rutgers studies also find that voluntary photo ID requirements yield no difference in overall turnout compared to non-photo ID requirements. The authors of the Rutgers studies fail to note any of these findings; this is a serious error that leads them to make conclusions that are not supported by their own evidence.

In contrast to the Rutgers studies, more recent studies stand out for both their methodological rigor and the fact that they examine voter turnout through the 2006 general elections (Alvarez, et al. 2007 and Mycoff, et al 2007). However, both of these studies are work in progress, so results must be interpreted with care.

Mycoff et al. (2007) examine the effects of voter identification laws on state level voter turnout, as well as individual-level self-reported voter

turnout from the National Election Studies (a large national survey that is conducted each election year). The authors examine turnout from 2000 to 2006 using a random-effects model; they find that voter ID laws are not significantly related to turnout in either the aggregate state data or the individual level data. The individual-level analysis in Mycoff et al. is a particularly valuable innovation, since it allows the researchers to more confidently discuss the impacts of voter identification on minorities, the poor, the elderly, etc. However, the original analysis in Mycoff et al. does not examine these differential effects, nor do the authors separately investigate the effects of photo ID apart from other voter identification requirements.

More recently, however, Mycoff et al. have analyzed the effects of mandatory photo ID on individual level turnout after controlling for state fixed effects. In this most recent analysis, Mycoff et al. cannot reject the null hypothesis that the within state effects of photo ID on overall turnout are zero; likewise, the null of zero effect cannot be rejected for turnout across race, ethnicity, income or age categories.<sup>10</sup> Overall, Mycoff et al. (2007) find that idiosyncratic factors, such as an individual’s interest in politics, are far more important determinants of turnout than are institutional factors like voter identification.

The most recently available study of the effects of voter identification on voter turnout is by Alvarez, et al. (2007); these authors also examine the effects of voter identification on both state-level turnout and individual level turnout (from the Current Population Survey). Alvarez et al. control for state fixed effects in their analysis, but they fail to control for the presence and competitiveness of statewide races in the different states and years in their study. This unfortunate oversight should be corrected in future iterations of the study, but for now this shortcoming undermines the usefulness of the authors’ findings. Ignoring this methodological problem, Alvarez et al. (2007) report that voter ID laws are associated with higher (albeit not significant) voter turnout in the analysis of state-level turnout from 2000-2006. The individual-level analysis suggests that voter identification requirements have a modest negative impact on overall turnout, no differential impacts by race or ethnicity and a slightly more negative impact on elderly or poor voters.





The results reported in Alvarez et al. (2007) also suggest that there is no significant change in voter turnout for any population subgroup when comparing the effects of mandatory photo ID laws to voluntary photo ID, although the authors do not conduct a formal test of this hypothesis. However, it is unclear at this point how sensitive the estimates reported by Alvarez et al. will be to the inclusion of controls for the presence and competitiveness of statewide races. Consequently, the recent and on-going study by Mycoff et al. (2007) remains the most reliable and thorough systematic evaluation of the effects of photo ID laws on voter turnout to date.

In this review, I have demonstrated that both theory and the best evidence to date strongly suggest that the effects of photo ID on overall turnout are likely to be very modest (and may even be positive). Further, the best analyses of the differential impact of photo ID indicate no deleterious effects on minorities, the poor, or the elderly. In the next section, I demonstrate that these conclusions are borne out in the county-level election returns for Indiana.

### 3. Data and Methods

The subsequent empirical analysis examines the effects of photographic identification requirements on county-level turnout in Indiana. I analyze the change in voter turnout in the general midterm elections of 2002 and 2006; these elections offer a nearly ideal natural experiment for identifying the effects of photo ID on turnout. This is because there were no other major changes in Indiana election laws during this time period, so the impact of photo ID will not be confounded with other changes in state election administration. Further, because some demographic groups tend to have higher turnout in presidential election years, it is appropriate to compare turnout in the two most recent midterm elections. Finally, these two midterm elections are also relatively comparable since there were no major contested statewide races in either year.<sup>11</sup> Even so, I also check the whether the resulting estimates are sensitive to the inclusion of additional midterm and/or presidential election years; to preview: they are not.

I measure voter turnout as the percent of voting age population (VAP) in each election year; VAP is estimated by the U.S. Census as of July 1st of the

election year.<sup>12</sup> This measure is commonly employed in studies of voter turnout in aggregate data, since voter registration data is not of a consistent quality across time or jurisdiction. However, voting age population estimates including non-citizens and other persons that are not eligible to vote. While this is more problematic for studies of turnout in states with larger populations of ineligible voters, it is less likely to be a concern in a state like Indiana. Further, to the extent that the number of non-citizens is growing over time, and is disproportionately of Hispanic ethnicity, this has the effect of understating overall turnout in 2006, especially in areas with higher Hispanic populations.

For this reason, I also measure voter turnout as the percentage of the estimated number of citizens of voting age (CVAP) in each year. However, reliable estimates of CVAP at the county-level are not readily available, so I generated my own estimate based upon U.S. Census counts of non-citizens in 2000. In order to estimate CVAP by county in each year, I first calculate the ratio of citizens of voting age population to all the total voting age population for each county in 2000 from Census data. I then multiply the estimated VAP for each county and year by this ratio. However, the question of whether voter turnout should be measured as a percentage of VAP or CVAP is not surprisingly a non-issue in the present context; the correlation between the two measures is better than 98% for the time periods examined in this study.

In order to measure the overall effect of photo ID on voter turnout across the 92 Indiana counties, I estimate an ordinary least squares regression controlling for county-fixed effects and year effects. The county fixed-effects account for factors such as demographic differences across counties, while the year effects account for the different composition of state races in each election year. However, there has only been one general election in Indiana post-photo ID, so it is not possible to separately identify the overall effects of photo-ID on voter turnout absent additional assumptions. For this reason, the present analysis focuses on the effects of photo ID on different groups of eligible voters.

I evaluate claims about the relative effects of voter ID on racial and ethnic minorities, the poor, the elderly, persons without a high school diploma and Democrats by estimating the effects of photo ID on



turnout in counties with greater percentages of those groups as a percent county population. However, these demographic variables do not vary over time, since they are taken from the 2000 U.S. Census. This means that it is not possible to control for county-fixed effects when estimating the effects of photo ID on these particular demographic groups. For this reason, I account for differences in the demographic composition of counties by including control variables for per capita income and the percent of county population by several categories, including: age, education, ethnicity, female labor force participation, military status, non-citizens, party, poverty, race, and rural status (see Appendix). I also check the sensitivity of results when this list of control variables is pared down to just age, education, ethnicity, income and race.

Despite the plethora of county-level control variables described above, it is possible that there remain some unobserved county-level phenomena that may bias the estimated effects of photo ID on turnout in some unknown way. For this reason, I also examine the effects of photo ID on the within-county change in voter turnout since the most recent general election (i.e., the change in voter turnout from 2004 to 2006 compared to the change from 2000 to 2002). This alternative model effectively purges voter turnout of the county-specific factors mentioned above and so provides an important check on the estimates obtained from the basic model. Finally, because repeated observations at the county-level over time are not necessarily independent observations, I also control for clustering of standard errors by county in every regression model.

While most authors examine the effects of voter identification on voter turnout, some (e.g., Alvarez et al. 2007) look at the effects on the natural logarithm of voter turnout (i.e. "log turnout"); for this reason, I use both of these measures in my analysis. Therefore, in the next section I present estimates for four basic statistical models, where the dependent variable is i) turnout, ii) log turnout, iii) change in turnout, and iv) change in log turnout. I also discuss the sensitivity of these results to different measures of turnout, time periods or sets of control variables; for the most part, the key findings are quite robust to these alternative specifications.

#### 4. Results

Voter turnout as a percentage of VAP in Indiana was about 2 percentage points higher in 2006 compared to 2002. This increase in turnout was fairly uniform across all counties; the mean within-in county change in turnout was +1.76% ( $p < .001$ ). However, it is not possible to discern how much of this increase in turnout is attributable solely to the effects of photo ID; this is because there was also an uncompetitive Senate race in 2006. For example, the presence of a U.S. Senate election in 2006 might have led to an increase in turnout above what it would have been otherwise. On the other hand, the fact that there was no Democrat candidate in the 2006 Senate race might have led to lower turnout than otherwise. In fact, my examination of historical Senate election data does indeed suggest that state voter turnout tends to be lower when there is an uncompetitive Senate election at the top of the state ticket, all else constant. Assuming that this phenomenon occurred in 2006 in Indiana, then the photo ID likely led to an even greater increase in voter turnout than the 2% observed in the raw data.

Even so, I prefer to err on the side of caution in this report, so I focus only on the differential impact of photo ID across Indiana counties. In contrast to the situation for overall turnout in 2006, there is no a priori reason to believe that the uncompetitive 2006 Senate election influenced voter turnout in some counties more than others. Consequently, the effects of photo ID on turnout across counties with differing populations of minority, poor, low education, elderly voters, or Democrat voters can be identified and estimated in the available election data.

In Table 1A, I report the estimated effects of photo ID on both turnout and the change in turnout for counties with higher proportions of minority population. The table is divided into two panels; one for each model. For example, the results in the top panel of the table under column one indicate that photo ID increased voter turnout in counties with higher percentage of black population, albeit this estimate is not statistically significant ( $t=1.23$ ). However, the estimated magnitude of this effect is quite large; for each percentage point increase in black population in a county, voter turnout increases by 0.1 percentage points. Looking to the bottom panel of Table 1A under the same column, the estimated effect





of photo ID on the change in turnout for counties with a higher percentage of Black population is also positive, nearly identical in magnitude, although again not statistically distinguishable from zero ( $t=0.59$ ).

Moving to column two of Table 1A, the estimated effect of photo ID on voter turnout (top panel) for counties with larger Hispanic populations is negative, but much smaller in magnitude than that for Black population and also statistically insignificant. However, the impact of voter ID on the change in voter turnout for counties with greater Hispanic population is positive (even more so than for Black population), but once again not significantly different from zero (bottom panel).

In column three, I report the estimated effects of photo ID for both the Black and Hispanic variables; this model exhibits a similar pattern as when the variables are estimated separately. In all but one case the estimated effect of photo ID on turnout is positive for counties with more Black or Hispanic population. However, in no case are these variables individually or jointly significant.

The final column of Table 1A reports the effects of photo ID on turnout in counties with higher total minority population (non-white and/or Hispanic). The estimates are identical for both turnout and the change in turnout models. For each one percentage point increase in minority population, county turnout increases by 0.7 percentage points after the implementation of photo ID. Again, these effects are imprecisely estimated, so the null hypothesis of a zero differential effect of voter ID on turnout in counties with higher minority populations cannot be rejected.

My analysis of the effects of photo ID on turnout by race and ethnicity continues with an examination of the impact on both the log of turnout and the change in the log of turnout. The results of this estimation are reported in Table 1B; however, because this is a non-linear model, the coefficients do not have a similarly straightforward interpretation as before. For example, the point estimate of .003 for %Black in the top panel under column one of Table 1B has the following interpretation: for each percentage point increase in Black population in a county, voter turnout increases by .003 times voter turnout in 2002. For example, given a county-wide voter turnout rate of 30% in 2002, the implementation of photo ID is associated with a .09 percentage point increase in 2006

turnout for each percentage point of black population (or a nearly identical effect as was observed in Table 1A).

Given the complexity of interpreting the estimates in Table 1B, and the fact that none of these estimates are significantly different from zero (either individually, or in the case of column three, jointly), I will only note that the pattern of qualitative results obtained in the log models of turnout is very similar to that seen in Table 1A. In fact, the only substantive difference is that the effect of photo ID on Hispanic population is uniformly more positive.

To this point, there is no evidence that photo ID requirements in Indiana reduced voter turnout, either overall, or in counties with relatively larger racial or ethnic minority populations. Re-estimating these models for the three most recent midterm elections (1998, 2002 and 2006) yields a similar pattern of results, with one exception: the effect of photo ID on counties with more Hispanic population is consistently positive. Similarly, including presidential election years, along with additional controls for the differing turnout tendencies in midterm versus presidential election years, likewise produces nearly identical results. Finally, substituting citizen voting age population (CVAP) for VAP in any of the models discussed above has the effect of making the estimated effects of photo ID on Hispanic population positive, but otherwise yields no appreciable difference.

The analysis above is repeated for other demographic groups in Tables 2A and 2B. Specifically, I examine the effects of photo ID on turnout in counties with higher percentages of families below the poverty line (%Poverty), persons with less than a high school degree (%No High School) education, and persons over 65 years of age (%Elderly). These demographic variables are never statistically significant in the turnout models shown in panel one of Table 2A, although both the percent of county population in poverty or elderly approach statistical significance ( $p<.15$ ). The effect of photo ID on turnout in counties with more poor families is positive, while the effect on turnout in counties with more elderly population is negative. However, these effects are largely attenuated for the change in turnout, and especially so for the percentage elderly (bottom panel of Table 2B). The effect of photo ID on turnout in counties with relatively fewer high school graduates exhibits a similar



pattern; it is negative and insignificant in panel one, but closer to zero and less precisely estimated in panel two. Further, these three demographic variables are jointly insignificant in both models. Finally, all of the race, ethnicity and demographic variables examined to this point are also not jointly significant when they are all simultaneously included in these turnout models.

As was the case for the race and ethnicity variables, the same general pattern of qualitative effects are observed in the log turnout and change in log turnout models (Table 2B); in addition, the demographic variables (poverty, no high school and elderly) are not jointly significant, nor is the combination of these demographic variables with the race and ethnicity variables examined in Table 1A and 1B. Re-estimating these four models for additional years, and/or substituting CVAP for VAP likewise yields no major changes, although the estimated effects of photo ID on counties with more elderly or low-education population become more positive and less precisely estimated.

The final variable examined is the extent of Democrat voting preferences in a county; this is measured using a common proxy in the political science literature, the county vote percentage for the Democrat presidential candidate in 2004 (John Kerry). The results for this variable are found in column four of Tables 2A and 2B. In all but one case, the effect of voter ID on turnout in highly Democrat-leaning counties is statistically significant or marginally so ( $p < .10$  or better). In every case examined in Tables 2A and 2B, photo ID is associated with higher turnout in counties with a greater share of Democrat leaning voters. The magnitude of this estimated effect is about 0.1 percentage points higher voter turnout in 2006 per percentage point increase in John Kerry's 2004 vote percentage in the county. [This result holds up even when the model is estimated using additional election years or citizen voting age population, as above.]

I have also estimated all of the models described above with a more sparse set of control variables, only including controls for age, education, ethnicity, income, and race. However, the choice of these control variables does not yield any notable changes in the pattern of results discussed here.

As a final sensitivity check, all of the models above have been estimated without the adjustment for

clustering of observations at the county level. This does not affect the estimated coefficients in these models but in general will affect the standard errors of the estimates. The effect of the cluster-adjustment to standard errors is to make some of the key estimates described above more precise; without the cluster-adjustment, none of the coefficients on percent elderly or percent poor remain even marginally statistically significant (i.e.,  $p > .10$  in every case). The only coefficient estimates that remain statistically significant without the cluster-adjustment are those for the percent Democrat in the county.

## 5. Discussion

Given the context of the existing research on voter turnout, my findings for Indiana are completely unsurprising. Despite the attention-grabbing and often strident claims that voter identification is the modern version of the poll tax and the like, nothing could be further from the truth. Existing theory and evidence from decades of social science research do not support the contention that photo ID requirements are likely to have a large and detrimental impact on turnout; nor does the previous empirical evidence find any significant impact of photo identification on racial or ethnic minorities. Further, the best previous evidence to date also finds no significant impact of photo ID on the poor or the elderly.

In this study, I exploit the existence of a natural experiment on the impact of photo ID: the change in turnout between the 2002 and 2006 midterm elections in Indiana. My analysis is novel not only for its focus on the effects of photo ID in Indiana, but because I subject my findings to a battery of sensitivity checks. This is also the first study to analyze the differential impact of photo ID requirements on turnout among more Democrat-leaning voters.

The findings that emerge from my analysis are that photo ID is associated with: i) an overall county-level turnout increase of almost two percentage points, ii) an insignificant increase in relative turnout for counties with a greater percentage of minority and poor population, iii) no consistent or significant impact on relative turnout in counties with a greater percentage of less educated or elderly voters, and iv) a significant relative increase in turnout for counties with a higher percentage of Democrat voters.



1 The term “mandatory” is a misnomer, since voters without proper photo ID are still allowed to cast a provisional ballot at the polls.

2 For example, see the recent brief for certiorari submitted to the U.S. Supreme Court by the Indiana Democratic Party and Marion County Democratic Central Committee (Indian Democratic Party, et al. v. Todd Rokita, et. al.).

3 Hood and Bullock (2007) argue that about 5% of registered voter names in Georgia do not have a valid driver’s license or state identification card; however, the authors make no attempt to investigate how many of the registered voter names are actually attached to eligible voters. This is a rather egregious error, since it is well known that voter registration lists overstate, sometimes quite dramatically, the number of valid eligible voters due to duplicate, erroneous, out-dated and even fraudulent registrations. For example, in Indiana, the number of registered voters exceeds the number of voters that report being registered by more than 40% (Schulz 2007).

4 Ansolabehere (2007) does not explicitly report how many of the 23 persons with voter identification issues cast provisional ballots, although it would appear to be nearly all of them, since elsewhere he writes: “an almost immeasurably small number of people who tried to vote were excluded because of identification requirements or questions with their qualifications;” also, Ansolabehere notes that only three persons did not vote because of any problems with their voter registration.

5 Given the bitter partisan debate over voter identification, it would not be surprising if a handful of respondents chose to exaggerate their experience at the polls; in light of this, it is quite amazing that so few respondents self-report problems voting.

6 Ansolabehere (2007) reports that large majorities support voter identification reforms, including 70% of Blacks, 78% of Hispanics and 67% of all Democrats; in fact, persons who were asked to show identification when voting in 2006 were even more supportive of voter identification requirements than other respondents.

7 Also, see Primo and Milyo 2006a,b on the effects of political institutions on citizen trust and voter turnout.

8 For example, influential evidence on the importance of the intrinsic value of voting comes from field experiments in which those individuals that receive reminders about their civic duty to

vote are more likely to do so (Gerber and Green 2000). Further evidence comes from Ansolabehere, et al (1999); they argue that negative campaign advertising reduces voter turnout primarily because of its detrimental effect on public trust in the political process.

9 In fact, the two studies are nearly identical, as Vercellotti and Anderson were part of the research team that produced the Eagleton (2006) report.

10 Personal communication with Jason Mycoff (November 9, 2007).

11 There was not a gubernatorial or U.S. Senate election in Indiana in 2002. In 2006, there was a U.S. Senate race in which Richard Lugar, a Republican, was not opposed by a Democrat; Lugar defeated his closest opponent, a Libertarian candidate, by 87.3% to 12.6% of the total vote.

12 All data employed in this study were provided by Polidata (www.Polidata.org).

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**Table 1A: Effects of Photo ID by Race and Ethnicity  
(County Turnout in 2002 and 2006)**

	(1)	(2)	(3)	(4)
<i>Panel One: % Voting Age Pop. (%VAP)</i>				
%Black*PhotoID	0.10 (1.23)		0.12 (1.44)	
%Hispanic*PhotoID		-0.03 (0.21)	-0.15 (0.97)	
%Minority*PhotoID				0.07 (1.27)
<i>Panel Two: Change in % Voting Age Pop.</i>				
%Black*PhotoID	0.09 (0.59)		0.08 (0.45)	
%Hispanic*PhotoID		0.13 (0.83)	0.06 (0.28)	
%Minority*PhotoID				0.07 (0.72)

**NOTES:** Absolute values of t-statistics in parentheses (adjusted for clustering by counties). The estimated effects of photo ID interacted with percent Black and Hispanic are also not jointly significant in either panel above. All models include controls for year and characteristics of county population, including: age, education, ethnicity, female labor force participation, income per capita, military status, non-citizens, party, poverty, race, and rural status.



**Table 1B: Effects of Photo ID by Race and Ethnicity  
(Natural Logarithm of County Turnout in 2002 and 2006)**

	(1)	(2)	(3)	(4)
<i>Panel One: Log of % Voting Age Pop. (%VAP)</i>				
%Black*PhotoID	.003 (1.42)		.004 (1.50)	
%Hispanic*PhotoID		.000 (0.08)	-.003 (0.82)	
%Minority*PhotoID				.002 (1.55)
<i>Panel Two: Change in Log of % Voting Age Pop.</i>				
%Black*PhotoID	.002 (0.67)		.002 (0.58)	
%Hispanic*PhotoID		.002 (0.55)	-.000 (0.00)	
%Minority*PhotoID				.002 (0.82)

**NOTES:** Absolute values of t-statistics in parentheses (adjusted for clustering by counties). The estimated effects of photo ID interacted with percent Black and Hispanic are also not jointly significant in either panel above. All models include controls for year and characteristics of county population, including: age, education, ethnicity, female labor force participation, income per capita, military status, non-citizens, party, poverty, race, and rural status.





**Table 2A: Effects of Photo ID by Poverty, Education, Age, and Party  
(County Turnout in 2002 and 2006)**

	(1)	(2)	(3)	(4)
<i>Panel One: % Voting Age Pop. (%VAP)</i>				
%Poverty*PhotoID	0.29 (1.67)			
%NoHighSchool*PhotoID		-0.08 (1.25)		
%Elderly*PhotoID			-0.36 (1.89)	
%Democrat*PhotoID				0.10 (2.22)
<i>Panel Two: Change in % Voting Age Pop.</i>				
%Poverty*PhotoID	0.17 (0.98)			
%NoHighSchool*PhotoID		-0.01 (0.11)		
%Elderly*PhotoID			-0.08 (0.41)	
%Democrat*PhotoID				0.11 (1.59)

**NOTES:** Absolute values of t-statistics in parentheses (adjusted for clustering by counties). The estimated effects of photo ID interacted with percent poverty, no high school degree and elderly are also not jointly significant in either panel above. All models include controls for year and characteristics of county population, including: age, education, ethnicity, female labor force participation, income per capita, military status, non-citizens, party, poverty, race, and rural status.



**Table 2B: Effects of Photo ID by Poverty, Education, Age, and Party  
(Natural Logarithm of County Turnout in 2002 and 2006)**

	(1)	(2)	(3)	(4)
<i>Panel One: Log of % Voting Age Pop. (%VAP)</i>				
%Poverty*PhotoID	.007 (1.56)			
%NoHighSchool*PhotoID		-.003 (1.60)		
%Elderly*PhotoID			-.011 (2.08)	
%Democrat*PhotoID				.003 (2.28)
<i>Panel Two: Change in Log of % Voting Age Pop.</i>				
%Poverty*PhotoID	.004 (0.88)			
%NoHighSchool*PhotoID		-.001 (1.05)		
%Elderly*PhotoID			-.005 (0.99)	
%Democrat*PhotoID				.003 (1.87)

**NOTES:** Absolute values of t-statistics in parentheses (adjusted for clustering by counties). The estimated effects of photo ID interacted with percent poverty, no high school degree and elderly are also not jointly significant in either panel above. All models include controls for year and characteristics of county population, including: age, education, ethnicity, female labor force participation, income per capita, military status, non-citizens, party, poverty, race, and rural status.





**APPENDIX :**

The following county-level census variables are included as controls in the statistical analysis:

Percent non-Hispanic Black  
Percent Hispanic  
Percent non-white and/or Hispanic

Natural logarithm of per-capita income  
Percent of families in poverty

Percent without a high school degree (omitted category)  
Percent with at most a high school degree  
Percent with some college education  
Percent with college degree  
Percent with post-graduate education

Percent age less than 5 years (omitted category)  
Percent age between 5 and 17 years  
Percent age between 19 and 24 years  
Percent age between 25 and 44 years  
Percent age between 45 and 64 years  
Percent age 65 or more

Percent voting for John Kerry in 2004 (of those casting votes in 2004)

Percent active military  
Percent female labor force participation  
Percent non-citizens  
Percent retired military  
Percent rural

Jeffrey Milyo is a professor in the Truman School of Public Affairs and the department of economics at the University of Missouri; he is also the Hanna Family Scholar in the Center for Applied Economics at the University of Kansas School of Business and a Senior Fellow at the Cato Institute in Washington, D.C. Comments are welcome; please contact the author at: [milyoj@missouri.edu](mailto:milyoj@missouri.edu).

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Institute of Public Policy  
137 Middlebush  
University of Missouri  
Columbia, MO 65211  
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## **Much-hyped Turnout Record Fails to Materialize Convenience Voting Fails to Boost Balloting**

Contact: Curtis Gans, 202-885-6295, 703-304-1283, 540-822-5292, [gans@american.edu](mailto:gans@american.edu), [csnag@eols.com](mailto:csnag@eols.com)  
Jon Hussey, AU Media Relations, 202-885-5935 or [hussey@american.edu](mailto:hussey@american.edu)

WASHINGTON, D.C. (November 6, 2008)—Despite lofty predictions by some academics, pundits, and practitioners that voter turnout would reach levels not seen since the turn of the last century, the percentage of eligible citizens casting ballots in the 2008 presidential election stayed at virtually the same relatively high level as it reached in the polarized election of 2004.

According to a report and turnout projection released today by American University's Center for the Study of the American Electorate (CSAE) and based, in part, on nearly final but unofficial vote tabulations as compiled by the Associated Press as of 7 p.m. Wednesday, November 5, the percentage of Americans who cast ballots for president in this year's presidential election will reach between 126.5 million and 128.5 million when all votes have been counted by early next month.

If this prediction proves accurate, turnout would be at either exactly the same level as in 2004 or, at most, one percentage point higher (or between 60.7 percent and 61.7 percent). If the rate of voting exceeds 61.0 percent of eligibles, turnout will have been the highest since 1964. This projection is based on the 121.5 million tabulated votes compiled by the Associated Press plus some estimate—partially based on experience with post-election vote counting in previous elections and partially based on factors specific to this election, most notably the spread of balloting prior to Election Day—on how many ballots are still to be counted.

A downturn in the number and percentage of Republican voters going to the polls seemed to be the primary explanation for the lower than predicted turnout. The percentage of eligible citizens voting Republican declined to 28.7 percent down 1.3 percentage points from 2004. Democratic turnout increased by 2.6 percentage points from 28.7 percent of eligibles to 31.3 percent. It was the seventh straight increase in the Democratic share of the eligible vote since the party's share dropped to 22.7 percent of eligibles in 1980.

Of the 47 states and the District of Columbia included in this report, turnout was up in only 22 states and D.C. (Because of the extensive uncounted no excuse absentee balloting in Alaska and California and all-mail voting in Oregon and most of the state of Washington, those states are not included in this report.)

"Many people were fooled (including this student of politics although less so than many others) by this year's increase in registration (more than 10 million added to the rolls), citizens' willingness to

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stand for hours even in inclement weather to vote early, the likely rise in youth and African American voting, and the extensive grassroots organizing network of the Obama campaign into believing that turnout would be substantially higher than in 2004,” said Curtis Gans, CSAE’s director. “But we failed to realize that the registration increase was driven by Democratic and independent registration and that the long lines at the polls were mostly populated by Democrats.”

Gans attributed the GOP downturn to three factors: 1) John McCain’s efforts to unite the differing factions in the Republican Party by the nomination of Governor Sarah Palin as vice-presidential nominee was a singular failure. By election time many culturally conservative Republicans still did not see him as one of their own and stayed home, while moderate Republicans saw the nomination of Palin reckless and worried about McCain’s steadiness. 2) As events moved towards Election Day, there was a growing perception of a Democratic landslide, discouraging GOP voters. 3) The 2008 election was a mirror image of the 2004 election. In the 2004 election, the enthusiasm level was on the Republican side. By Election Day, Democratic voters were not motivated by their candidate but rather by opposition to President Bush, while Republican voters had a much greater liking for their standard bearer. In 2008 and according to polls from several sources, by at least 20 percentage points, Obama enjoyed stronger allegiance than McCain. Even the best get-out-the-vote activities tend to be as successful as the affirmative emotional context in which they are working. In 2004, that context favored the GOP. In 2008, it favored the Democrats.

“In the end, this election was driven by deep economic concerns and the prevailing emotional climate,” Gans said. “While there probably has not been, since 1932, the confluence of factors that underlay this election—90 percent of the American people seeing the nation on the wrong track, 75 percent disapproving of the president’s performance, more than 80 percent perceiving a recession and feeling that things will get worse, and the reality of growing economic distress—on one level this election was typical. When economic conditions go bad, the party in the White House gets blamed and they lose.”

### **Convenience Voting Didn't Help**

During the past several years, and in the belief that turnout would be enhanced, many states have moved to various forms of what has been called convenience voting. The most extreme form is the all-mail balloting in Oregon, and more recently, in most of the state of Washington. Other forms include no-excuse absentee voting (whereby citizens can get absentee ballots without stating a reason and cast them for a period in advance of the election), early voting (whereby at certain polling places established by election officials in convenient locations, citizens can, in person, cast ballots for a specified period before an election) and Election Day registration (where a citizen can both register and vote on Election Day).

The evidence from the 2008 election is that if the mission of these electoral devices is turnout enhancement, the mission has been a failure.

Of the 14 states which had the largest turnout increases in 2008, only six had implemented one form or another of convenience voting. Of the 13 states which had the largest turnout decreases, all but one had one form or another of convenience voting. (See chart 3.)

“It has always been abundantly clear that, after four decades of making it easier to vote and having turnout decline (among most groups) except for elections driven by fear and anger,” Gans said, “the central issue governing turnout is not procedure but motivation. These new procedures, except for Election Day registration for some states, don’t help turnout and pose some discrete dangers for American democracy.”

### **Some Statistical Highlights:**

Of the states included in this report, Democratic turnout increased in all but seven states, led by Indiana (up 8.32 percentage points), North Carolina (8.3), Hawaii (6.4), Delaware (6.1), Georgia (6.1), North Dakota (6.0), Nevada (5.9), Montana (5.4), New Mexico (.1), and Virginia (5.0)—all except Hawaii, new areas of potential Democratic strength. Republican turnout increased in only eight of 47 states and the District of Columbia included in this report.

The greatest increase in overall turnout was in North Carolina, where turnout increased by 9.4 percentage points to a record high. Georgia also had a record high turnout, increasing by 6.7 percentage points, as did South Carolina with a 6.0 percentage point increase. Others setting new records included Alabama, Virginia, Mississippi, and the District of Columbia.

As usual the highest turnout was recorded in Minnesota (75.9 percent of eligible), followed by Wisconsin (70.9), Iowa (68.9) Missouri (67.4), Michigan (66.7), South Dakota (66.7), and North Carolina (66.3).

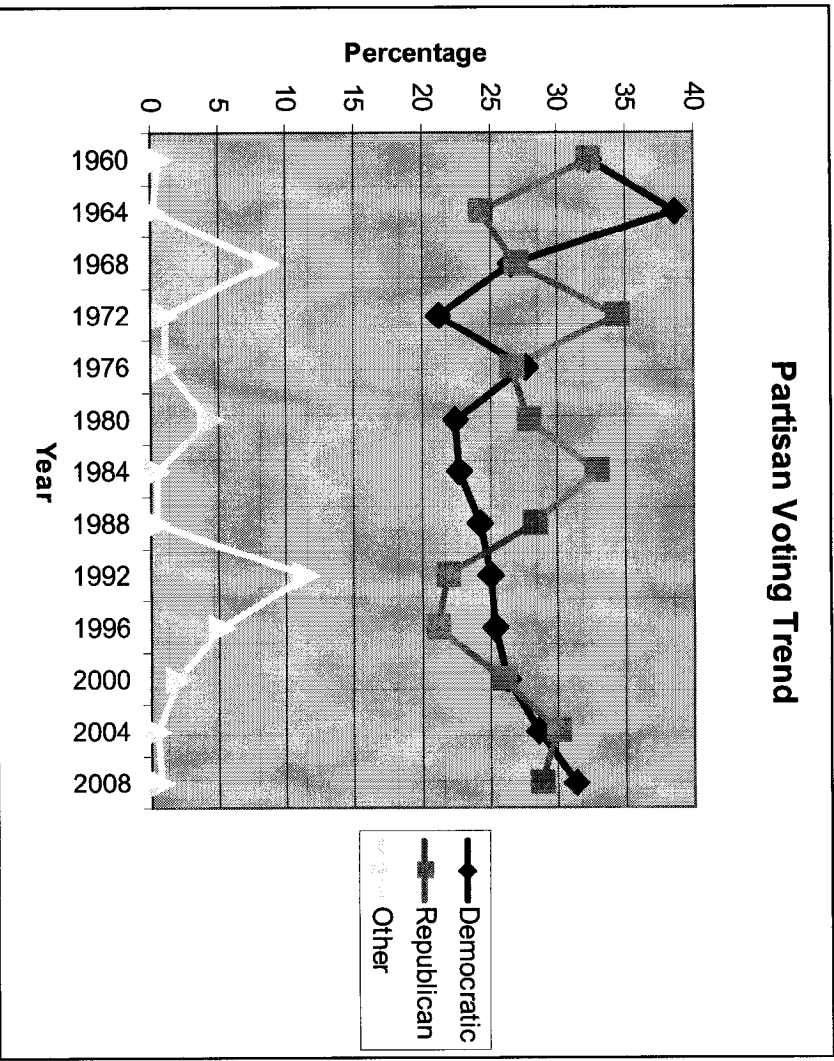
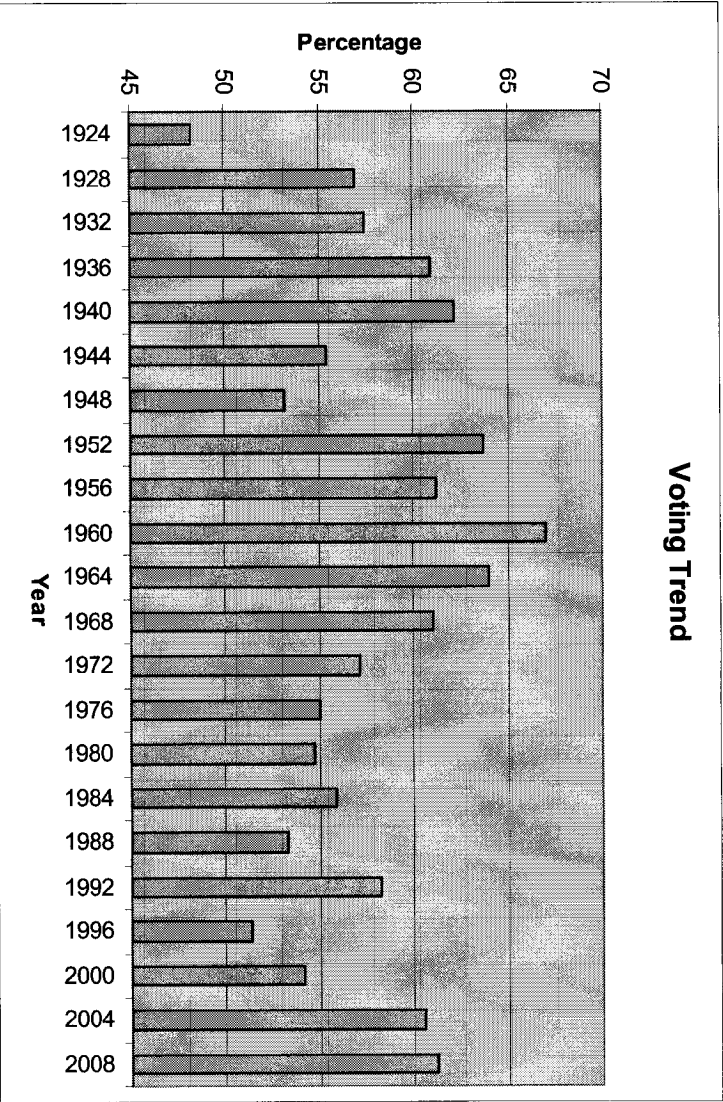
**Commentary (Two Shorts for Longer Future Analysis):**

**1. The opportunity for long-term realignment:** The Democratic victory was not only large in margin and sweeping in scope, it also was a continuation of their gains in share of the eligible vote, which began after the 1980 election and many of their largest gains in 2008 came in states where the Democrats had not previously had a foothold—in the post-Voting Rights Act south and in the mountain west and southwest. While this election did not in itself realign American politics after 28-years of Republican dominance, it presented the opportunity for such a realignment to take place. But that realignment can only occur if President-elect Obama is a successful president. If he restores political trust, economic stability, international respect, and broad citizen approval, the Democrats could be in power everywhere for a very long time. But that is a tall order which may not be, given the severity of current conditions, an accomplishable task. However, the GOP would be wise not to play politics in the manner they utilized during the Clinton Administration—a manner that was largely obstructionist and nay-saying. If they pursue that strategy in the face of Obama's call to cooperation in dealing with crisis, the GOP could be in the political wilderness for a very, very, long time.

**2. Convenience Voting:** This election showed what many previous elections have shown—that the types of innovations adopted in the past several years—particularly early voting, no-excuse absentee voting and mail voting—do not enhance and may hurt turnout. They pose other dangers—the most significant is the danger that something may occur on the last few days of the electoral season, such as, the present context, the capture of Osama Bin Laden, a domestic terrorist act, or an elderly candidate having a heart attack—after 35 million citizens have cast an irrevocable vote. With the exception of those who physically can't get to the polls or those who for business reasons can't be at the polls on a given election day, the nation would be safer if everyone voted on the same day. Mail voting and no-excuse absentee voting also offer the greatest opportunity for voting fraud and intimidation of any aspect of the electoral system. This is because these forms of voting provide for the elimination by any individual of their right to a secret ballot and thus, their vote could be (and has been on a few occasions) bought, or someone delivering an open ballot filled out the “wrong” way could discard it, or one could be pressured at ballot signing parties among one's peers, pressure easy to resist behind a voting curtain, not so easy to resist at the home of a friend. It is why the United States adopted the Australian (secret) ballot in the first place around the turn of the last century.

But in a larger sense, convenience voting is addressing a real problem with the wrong solutions. The participation problem is, at heart, not procedural but motivational. In a variety of ways, events, politics, leadership, education, communications, and values have damped the religion of civic engagement and responsibility. We will not get that back by treating would-be voters as spoiled children. We need to demand more of our citizenry rather than less. The Democrats liked convenience voting this time because it benefitted them. The Republicans liked it in 2004 because it benefitted them. But democracy was not benefitted. These devices are extremely popular, but popularity is not the same as wisdom and in this case, it is antithetical. It's time to consider rolling them back.





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**SUMMARY CHARTS**

**1. Turnout Trend:** The number and percentage of eligible citizens who voted for President in elections since 1924. The 2008 figure is an estimate:

<b>YEAR</b>	<b>Citizens Eligible</b>	<b>Vote</b>	<b>Percent of Eligible Voted</b>	<b>Pct. Pt. Dif.</b>
2008	208,323,000	127,500,000 (est.)**	61.2	0.6
2004	201,780,000	122,265,430	60.6	6.4
2000	194,327,000	105,399,313	54.2	2.8
1996	187,437,000	96,277,872	51.4	-6.9
1992	179,048,000	104,428,377	58.3	5.0
1988	171,855,000	91,594,805	53.3	-2.6
1984	165,727,000	92,659,600	55.9	1.2
1980	158,111,000	86,515,221	54.7	-0.3
1976	148,419,000	81,555,889	55.0	-2.1
1972	136,228,000	77,718,554	57.1	-3.9
1968	119,955,000	73,211,875	61.0	-1.0
1964	113,979,000	70,645,592	64.0*	-3.0
1960	106,188,000	68,838,219	67.0*	5.8
1956	101,295,000	62,026,908	61.2	-2.5
1952	96,607,000	61,550,918	63.7	10.5
1948	91,689,000	48,793,826	53.2	-2.2
1944	86,607,000	47,976,670	55.4	-6.8
1940	80,248,000	49,900,418	62.2	1.3
1936	75,013,000	45,654,763	60.9	3.5
1932	69,295,000	39,758,759	57.4	0.5
1928	64,715,000	36,805,951	56.9	8.6
1924	60,334,466	29,095,023	48.2	

\* Figure adjusted upwards to compensate for the African-Americans considered as part of those eligible but denied the vote throughout the south. Similar adjustments in lesser amounts should be made for all the years preceding the Voting Rights Act of 1965, but will await CSAE's final election report in January. Actual figures, without adjustment are 62 percent for 1964 and 64.9 for 1960.

\*\* CSAE's estimated 2008 general election turnout is within a range between 126,500,000 and 128,500,500 or between 60.7 percent of eligibles and 61.7 percent.

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**2. Partisan Turnout Trend:** Percentage of eligible citizens who voted for the presidential candidate of each major party. The vote percentage in 2008 is based on near final but unofficial counted returns. Percentages for previous years are based on final and official results:

Year	Democratic	Republican	Other
2008	31.3	28.7	0.8
2004	28.5	30.0	0.5
2000	26.3	26.0	2.0
1996	25.3	21.0	5.2
1992	25.0	21.8	11.4
1988	24.2	28.3	0.5
1984	22.7	32.9	0.4
1980	22.4	27.8	4.5
1976	27.6	26.5	1.1
1972	21.2	34.4	1.0
1968	26.5	26.9	8.6
1964	38.6	24.2	0.2
1960	32.3	32.2	0.6

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**3. Convenience Voting and Turnout**

State	2008 VAP	2008 Turnout	2008 % VAP Voted	2004 % VAP Voted	2008 - 2004 Pt Diff	2008 - 2004 % Diff	Early Voting	No Excuse Absentee	EDR
NC	6,423,000	4,256,702	66.27	56.83	9.45	16.63	X	X	
GA	6,302,000	3,862,027	61.28	54.72	6.56	11.98		X	
SC	3,224,000	1,876,073	58.19	52.15	6.04	11.58			
AL	3,394,000	2,091,143	61.61	56.34	5.27	9.36			
IN	4,586,000	2,737,551	59.69	54.74	4.96	9.06			
NV	1,642,000	965,120	58.78	55.31	3.47	6.28	X	X	
MO	4,328,000	2,916,663	67.39	64.62	2.77	4.29			
MS	2,151,000	1,212,506	56.37	54.10	2.27	4.20			
DC	371,000	226,573	61.07	58.66	2.41	4.12			
TN	4,512,000	2,614,005	57.93	55.67	2.26	4.06	X		
VA	5,560,000	3,460,712	62.24	59.91	2.34	3.90			
TX	14,886,000	8,045,310	54.05	52.23	1.82	3.48	X		
MA	4,625,000	3,047,312	65.89	63.77	2.12	3.32		X	
DE	630,000	403,631	64.07	62.22	1.85	2.97			
ID	1,024,000	651,714	63.64	61.88	1.76	2.85		X	X
NM	1,346,000	798,986	59.36	58.35	1.01	1.73	X	X	
MI	7,490,000	4,993,499	66.67	66.08	0.59	0.89			
MT	731,000	472,014	64.57	64.07	0.50	0.78		X	
IL	8,540,000	5,339,577	62.52	62.31	0.21	0.34			
ND	485,000	315,987	65.15	65.04	0.11	0.18	X	X	
KS	1,968,000	1,206,127	61.29	61.26	0.03	0.05		X	
KY	3,147,000	1,828,097	58.09	58.21	-0.12	-0.21			
PA	9,450,000	5,830,312	61.70	61.88	-0.18	-0.29			
FL	12,923,000	8,072,686	62.47	62.77	-0.30	-0.48	X	X	
AR	2,065,000	1,075,428	52.08	52.35	-0.28	-0.53			
IA	2,201,000	1,515,815	68.87	69.28	-0.41	-0.60	X	X	X
NJ	5,904,000	3,653,773	61.89	62.41	-0.52	-0.84		X	
LA	3,338,000	1,958,059	58.66	59.28	-0.62	-1.04			
MN	3,824,000	2,901,017	75.86	76.75	-0.89	-1.16			X
OK	2,561,000	1,461,931	57.08	57.90	-0.82	-1.41		X	
WY	388,000	246,329	63.49	64.74	-1.25	-1.94		X	X
NE	1,243,000	767,057	61.71	63.11	-1.40	-2.22		X	
CT	2,518,000	1,567,752	62.26	64.02	-1.76	-2.75			
RI	790,000	434,411	54.99	56.70	-1.71	-3.01			
SD	573,000	381,876	66.65	69.08	-2.43	-3.52		X	
WI	4,183,000	2,965,159	70.89	73.82	-2.94	-3.98		X	X
CO	3,219,000	2,110,209	65.55	68.30	-2.75	-4.02	X	X	
NY	12,653,000	7,011,244	55.41	58.83	-3.42	-5.81			
HI	918,000	415,995	45.32	48.48	-3.16	-6.52		X	
VT	495,000	302,337	61.08	65.47	-4.40	-6.71		X	
MD	4,064,000	2,312,316	56.90	61.04	-4.14	-6.79		X	
NH	1,016,000	662,456	65.20	70.01	-4.80	-6.86			X
WV	1,428,000	707,702	49.56	53.40	-3.84	-7.20	X		
OH	8,562,000	5,227,180	61.05	66.54	-5.49	-8.25		X	
UT	1,578,000	883,658	56.00	61.41	-5.41	-8.81		X	
ME	1,048,000	674,670	64.38	73.34	-8.96	-12.22		X	X
AZ	4,117,000	1,886,811	45.83	52.96	-7.13	-13.47	X	X	

Eleven states conduct early voting. Twenty five conduct no-excuse absentee voting. Seven states conduct Election day registration. Twelve states have a combination of methods.

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**4. Other Candidate Vote:** Votes for, percentage share of eligible vote, and party affiliations of presidential candidates other than the major party candidates:

Candidate	Party	Total Vote	Percentage
Ralph Nader	Ecology, Unaffiliated, Independent, Natural Law, None, Peace	658,393	0.32%
Bob Barr	Libertarian, Independent	489,661	0.24%
Chuck Baldwin	Alaska Independence, Constitution, Independent American, Independent Green, Independent, Nebraska Independent, Reform, US Taxpayers	175,048	0.08%
Cynthia McKinney	Green, Independent, Mountain, Pacific Green, Unaffiliated	143,160	0.07%
Alan Keyes	America's Independent	35,105	0.02%
Ron Paul	Libertarian, Constitution	19,583	0.01%
Gloria La Riva	Independent, Socialism and Liberation, New American Independent	7,558	0.00%
Roger Calero	Socialist Workers, Independent	7,184	0.00%
Brian Moore	Independent, Liberty Union, Socialist	6,392	0.00%
None of these candidates		6,251	0.00%
Richard Duncan	Independent	3,677	0.00%
James Harris	Socialist Workers	2,417	0.00%
Charles Jay	Boston Tea, Independent	2,310	0.00%
John Joseph Polachek	New	1,223	0.00%
Jeffrey Wamboldt	Independent	770	0.00%
Frank McEnulty	New American Independent	742	0.00%
Thomas Stevens	Objectivist	685	0.00%
Gene Amondson	Prohibition	631	0.00%
Jeffrey Boss	Independent	603	0.00%
George Phillies	Libertarian	470	0.00%
Ted Weill	Reform	470	0.00%
Jonathan Allen	HeartQuake '08	278	0.00%
Bradford Lyttle	Pacifist	97	0.00%

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5. Total Turnout as a Percentage of VAP - Burnham 2008 vs 2004  
Ranked By Percent Point Difference  
President - General Races

ST	2008 VAP	2008 Turnout	2008 % VAP Voted	2004 % VAP Voted	— 2008 - 2004 — Point Diff /	% Diff
NC	6,423,000	4,256,702	66.27	57.21	9.06 /	15.84
GA	6,302,000	3,862,027	61.28	55.10	6.18 /	11.22
SC	3,224,000	1,876,073	58.19	52.49	5.70 /	10.86
AL	3,394,000	2,091,143	61.61	56.47	5.14 /	9.10
IN	4,566,000	2,737,551	59.69	54.88	4.81 /	8.76
DC	371,000	226,573	61.07	58.21	2.86 /	4.91
NV	1,642,000	965,120	58.78	56.09	2.69 /	4.80
MO	4,328,000	2,916,663	67.39	64.88	2.51 /	3.87
MS	2,151,000	1,212,506	56.37	54.28	2.09 /	3.85
TN	4,512,000	2,614,005	57.93	55.84	1.99 /	3.56
MA	4,626,000	3,047,312	65.89	63.90	1.99 /	3.11
VA	5,560,000	3,460,712	62.24	60.30	1.94 /	3.22
TX	14,886,000	8,045,310	54.05	52.61	1.44 /	2.74
DE	630,000	403,631	64.07	62.74	1.33 /	2.12
ID	1,024,000	651,714	63.64	62.53	1.11 /	1.78
NM	1,346,000	798,966	59.36	58.71	0.65 /	1.11
MI	7,460,000	4,993,499	66.67	66.33	0.34 /	0.51
IL	8,540,000	5,339,577	62.52	62.35	0.17 /	0.27
ND	485,000	315,967	65.15	65.04	0.11 /	0.17
MT	731,000	472,014	64.57	64.53	0.04 /	0.06
KS	1,968,000	1,206,127	61.29	61.38	-0.09 /	-0.15
KY	3,147,000	1,828,097	58.09	58.40	-0.31 /	-0.53
PA	9,450,000	5,830,312	61.70	62.02	-0.32 /	-0.52
AR	2,065,000	1,075,428	52.08	52.54	-0.46 /	-0.88
IA	2,201,000	1,515,815	68.87	69.41	-0.54 /	-0.78
NJ	5,904,000	3,653,773	61.89	62.58	-0.69 /	-1.10
LA	3,338,000	1,958,059	58.66	59.48	-0.82 /	-1.38
OK	2,561,000	1,461,931	57.08	58.02	-0.94 /	-1.62
FL	12,923,000	8,072,666	62.47	63.44	-0.97 /	-1.53
MN	3,824,000	2,901,017	75.86	77.21	-1.35 /	-1.75
NE	1,243,000	767,057	61.71	63.22	-1.51 /	-2.39
WY	388,000	246,329	63.49	65.09	-1.60 /	-2.46
RI	790,000	434,411	54.99	56.92	-1.93 /	-3.39
CT	2,518,000	1,567,752	62.26	64.23	-1.97 /	-3.07
SD	573,000	381,876	66.65	69.32	-2.67 /	-3.85
CO	3,219,000	2,110,209	65.55	68.61	-3.06 /	-4.46
WI	4,183,000	2,965,159	70.89	74.19	-3.30 /	-4.45
NY	12,653,000	7,011,244	55.41	58.86	-3.45 /	-5.86
HI	918,000	415,995	45.32	46.81	-3.49 /	-7.15
WV	1,428,000	707,702	49.56	53.48	-3.92 /	-7.33
MD	4,064,000	2,312,316	56.90	61.45	-4.55 /	-7.40
VT	495,000	302,337	61.08	65.89	-4.81 /	-7.30
NH	1,016,000	662,456	65.20	70.59	-5.39 /	-7.64
OH	8,562,000	5,227,180	61.05	66.67	-5.62 /	-8.43
UT	1,578,000	883,658	56.00	61.82	-5.82 /	-9.41
AZ	4,117,000	1,886,811	45.83	53.67	-7.84 /	-14.61
ME	1,048,000	674,670	64.38	73.85	-9.47 /	-12.82

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For years also, Dr. Walter Dean Burnham, professor emeritus at the University of Texas at Austin, has been producing a denominator of age-eligible citizens (age-eligible population minus age-eligible noncitizens, interpolated by state and nation from and between decennial censuses). After some study of this matter, CSAE has come to believe that this denominator is the best for determining turnout, subject to the caveat below. It has come to this belief because of two factors:

1. **Available data:** One does not determine turnout simply for any given year but also as an historical comparison with previous years. Data for several of the issues involving the inadequacy of the age-eligible population (VAP) figures are either simply not available, not available in a timely manner, not available over a given period of history, or not allocatable to the states. Data on convicted and incarcerated felons are only available for a fairly recent time period. State laws on whether convicted felons and ex-felons can vote are changing and have changed over time. There is no accurate set of figures on those deemed mentally incompetent. The number of American citizens residing abroad is ascertainable but the number of age-eligible has to be estimated and there are no figures that allow the allocation of these citizens by state. Naturalization figures come in too late, often a year or two after the election year, to be usable in any current population accounting. And while any given Census undercount can be allocated by state, one can only estimate how much of that undercount is of citizens as opposed to noncitizens.

2. **The balance of the figures:** In studying this statistical problem, CSAE has found that the most important issue is that of noncitizens. If one wants to have a relatively accurate picture of turnout, one must eliminate the noncitizens from the age-eligible population. On the other hand, the other adjustments to the denominator would not substantially differ from the denominator of citizen age-eligible population. In pursuing its inquiry into this topic, CSAE found that the factors which would lower the denominator—felons, ex-felons, and people deemed mentally incompetent who can't vote—are roughly equal to two of the factors which would increase the denominator—citizens living in other countries and naturalization who could vote. If one added a ballpark figure for the number of citizens in the undercount who could vote, the factors in those years of an undercount, other than noncitizens, which would increase the denominator exceeds those that would reduce it.

The one caveat in adopting the Burnham methodology lock, stock, and barrel is that Burnham interpolates from census to census. These censuses are accurate as of April 1 of each decennial year for all of the past 50 years. (In prior years, census results captured the population as of varying months.) In order to have more accurate figures for November, CSAE has, using the same methodology, projected citizen population to November. Thus, CSAE used for reports on primaries the April figure for age-eligible citizen population but is using the November figure for this report and any others relating to the general election.